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FROM THE FUND OF
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CLASS OF 1828



STATUTES AND ORDINANCES,
AND
ACTS OF THE PARLIAMENT
OF IRELAND.

Vol. I.

KING JOHN to HENRY V.

EDITED BY
HENRY F. BERRY, I.S.O., M.A.,
Barrister-at-Law.

UNDER THE DIRECTION OF THE MASTER OF THE ROLLS IN IRELAND.

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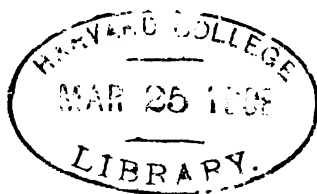
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PREFACE.

THE earliest printed edition of the Statutes of Ireland is that of Sir Henry Sydney, which was published in London, by R. Totell, 1572, with the following title :—
“ In this volume are contained all the Statutes from the tenth yere of King Henrie the Sixt, to the xiiii. yere of our most gracious and soueraygne lady Queene Elysabeth; made and established in her Highness’ Realme of Ireland.” Anthony & Wood, in his *Athen. Oxon.* (Vol. I., col. 513), notices the volume, stating that he had seen Sir Henry Sydney’s *Miscellanies of Irish Affairs*; “ who had also caused the Statutes of Ireland to be first published in print.” Sir Henry, who acted as Lord Justice or Lord Deputy of Ireland on four occasions during the period 1558-1578, published his work on the conclusion of his third Viceroyalty, and states in his Preface that he had caused the Justices of both Benches, the Chief Baron of the Exchequer, and the Master of the Rolls of Ireland, to confer together for the copying out and examining such Statutes as were then of record and not published; which they did, and delivered the same perfectly written and examined. As this edition only commenced at the period when Vol. II. of the present edition will begin, no further notice of it is necessary here.

Sir Richard Bolton, who was Recorder of Dublin, and represented that city in Parliament in 1613, who became Chief Baron of the Exchequer in 1625, and finally Lord Chancellor of Ireland in 1639, published

an edition of the Irish Statutes, which was printed in Dublin, 1621,¹ by the Society of Stationers, then printers to His Majesty, under the title, "The Statutes of Ireland, beginning the Third year of King Edward the Second, and continuing until the Parliament begun in the eleventh year of the Reign of our most gracious sovereign Lord King James, and ended in the thirteenth year of his Reign of England, France, and Ireland. Newly perused and examined with the Parliament Rolls; and divers Statutes imprinted in this Book, which were not formerly printed in the old Book." Sir Richard's Preface is worthy of perusal.

For the entire period, down to the end of the reign of Henry V., which is that covered by the present volume, there are included in the edition of 1621, &c., only some five chapters of the Statutes passed in the third year of King Edward II., which occupy but two pages of the volume. This is also the case with the next collection—that of 1765—"The Statutes at large, passed in the Parliaments held in Ireland," which was printed in Dublin by Boulter Grierson. Vol. I. extends from 3 Edward II. to 1612 inclusive. Of about 1,300 chapters of the enactments of the early Anglo-Irish Parliaments, contained in the rolls and records down to and including the reign of Richard the Third, only about sixty-six are to be found in the hitherto published editions of the Statutes of Ireland. This was a calculation made by the late Sir John Gilbert, who testified that the most valuable illustrations of the history of the English government in Ireland are derivable from these Anglo-Irish Statutes. (*History*

¹ This volume was reprinted in 1678 by Benjamin Tooke, printer to His Majesty, with the addition of the Acts to the Session 17 and 18 Charles II.; and it was again reprinted in 1723, without further additions.

of *Dublin*, Vol. I., preface to ed., 1854.) The fact that so few of these enactments had been printed, and their great importance, induced the Irish Record Commissioners, in the early part of the nineteenth century, to take measures for their publication; and on 18th February, 1811, they resolved that a complete and authentic edition of the Statutes and Ordinances of Ireland should be prepared and printed. It was to include "every law, as well those repealed or expired, as such as were then in force, with a Chronological list and Tables of the principal matters." With a view to this plan being carried out, Sub-Commissioners on the Statutes were appointed; the English Sub-Commissioners were communicated with, and by 25th March, 1812, some hundreds of ancient Statutes, &c., previous to the tenth year of King Henry VII. had been collected and transcribed. In 1817, report was made that search had taken place in several repositories in England, and in 1819, such progress had been made in collecting materials for notes, introductory matter, tables, &c., that it seemed as if the work would soon issue. In a report of the Sub-Commissioners, dated 1st February, 1820 (Vol. II., p. 645), submitting their views, they pointed out that they had been ordered to follow, without any deviation, the plans of the English Sub-Commissioners, and were further directed, at a later period, to include in their edition English Statutes binding in Ireland, "of which transcripts should be found upon our rolls, or in books of record in this country."

With respect to the nature of the materials for their work, the Sub-Commissioners stated that most of it threw light on the ancient laws and history of Ireland. Sir Richard Bolton, in his dedicatory epistle, prefixed

to his edition of 1621, states that he printed Statutes formerly printed and not expressly repealed, for two reasons, "the one, lest peradventure any should unadvisedly tax me of partialitie, that matters of greater moment were omitted, and matters of lesse consequence published; and the other was, that although the said Statutes be out of use or determined at this day, yet the same may well serve for an historicall use, whereby the judicious reader may partly discerne both the state of the Church and Commonwealth in those times." Similar motives had influence in determining the plan formed for the present volume. Most subsequent laws are made with reference to those which have gone before, of which they are usually corrections or improvements. For the better understanding of the legislation of later periods, then, it is of the utmost importance to the historian and statesman, to be furnished with authentic transcripts of the ordinances enacted in prior periods.

It was not until the year 1822, that the printing of the Commissioners' contemplated edition of the Statutes came under consideration, but by 1824, it appears to have been abandoned, and the publication of the ancient Statutes and Ordinances of Ireland was reported as "suspended." The question of expense seems to have weighed largely with Government when the question of printing came before them; and difficulties appear to have arisen among the Record Commissioners themselves through an endeavour to treat the work from an exclusively legal point of view. In a work of the kind (and especially in one planned as the present) this would be well-nigh impossible, and could only have led the Commissioners to ultimate failure. For the early period covered by the present

volume, the enactments contained in it must chiefly be looked at from the standpoint of the historian, while the student of law will find much of great importance to him. The aim has been to afford to both authentic data for their investigations and conclusions.

The materials for the edition contemplated by the Record Commissioners, including drafts, fair transcripts and translations, which had been deposited in the State Paper Department, Dublin Castle, were transferred to the Public Record Office; and Sir Samuel Ferguson, during his tenure of office as Deputy Keeper of the Records, purposed to have the task of revision, with a view to publication, undertaken. Owing to the pressure of more absolutely necessary business, however, the work had to be postponed. His successor, Dr. J. J. Digges La Touche, later on, thought that the time had come when it might be undertaken anew, and under his supervision, considerable progress was made in comparing the Record Commissioners' transcripts and translations with the original records. At his death, it was still unfinished, and among the earliest plans formed by the present Deputy Keeper of the Records, on his appointment, was that of bringing to completion the publication of these early Statutes, &c., the preliminary steps for which had been taken nearly ninety years previously. The Right Hon. Sir A. M. Porter, Bart., Master of the Rolls in Ireland, authorised the scheme; the sanction of the Commissioners of H. M. Treasury was obtained, and a letter of the Under Secretary, dated 10th April, 1901, conveyed the approval of His Excellency the Lord Lieutenant of Ireland.

This edition deals with what appears, at each particular period, to have been promulgated as the

Statute law in Ireland; under the older Kings, by writs and mandates, addressed by virtue of their royal prerogative, to the executive and legal officials in this country; Statutes and Ordinances passed in Ireland; and such as when made in England, were, by the King's authority, transmitted for observance here. Lynch, in his *Feudal Dignities*, remarks that by such writs, patents, and ordinances, the Common Law was expounded, and enforced. At what period or in what reign the King's ordinances completely yielded to the more constitutional authority of parliamentary enactments, has never yet been precisely ascertained. This edition is based on the historical value of the rolls and records; and the historical and constitutional weight of the entries is quite unaffected by any present-day legal value which the acts may claim to possess. Hence the edition endeavours to bring together and embody at one comprehensive view, every writ, ordinance, and statute now extant, known to have been of force in Ireland from the time of King John to the end of the reign of Henry the Fifth—in other words, all acts and proceedings of the Parliament in Ireland, or of the Statute law recorded as being, by due sanction, directed for observance here. This necessitated a considerable addition to the work of the Record Commissioners, as is evident from the fact that while their first volume of fair transcripts intended for publication, included (up to the last-mentioned date) twenty-six documents, the present work numbers ninety writs, ordinances, and statutes.

The decision to limit Volume I. of this edition to the end of the reign of Henry V. was come to, in consequence of the series of statute rolls commencing in the reign of Henry VI. While the material for this

volume has been derived from various manuscript sources, the contents of future ones will be drawn from the statute rolls themselves, and some progress has already been made in the preparation of Volume II.

In this collection, the translations of English statutes, and ordinances of the King and Council in England, which were transmitted to be observed in Ireland, are printed in smaller type.

Where such are found in the *Statutes of the Realm*, independent translations have been made, and thus the language has been modernised. When the text of such statutes or of the mandates sanctioning them is extant in the Irish Records, or has not yet been published in works of authority, it is here printed.¹ Otherwise, a translation only is printed here, and a reference given to the work in which the text may be found.

It now becomes necessary to direct attention to the original MS. sources dealt with.

1. The Irish Statute Rolls. (These, however, do not come within the limits covered by this volume.)

2. Records of parliament prior to the reign of Henry VI. These are contained principally in the Red Book of the Exchequer in Ireland, which may be said to be mainly a corpus of the Statute law, probably at first compiled about the time of Edward I., for the guidance of the Court of Exchequer. In it are found the Great Charter of Ireland, 1 Hen. III.; the Statutes of Mortmain, Rhuddlan, Westminster the First and Second, Gloucester, and Merchants; certain ordinances

¹ In one or two cases, entries have been published in the series of *Calendars of Patent and Close Rolls* printed by the English Record Office, since these pages went to press.

of the parliament of Kilkenny, 3 Edward II.; the Statute concerning False money; the Statutes of Lincoln and York; ordinances of parliaments at Dublin; Petitions to the King, 16 Edward III., the answers to which were to be treated as ordinances; the Statute of Absentees, 3 Richard II.; the Statutes enacted as to the jurisdiction of Admirals, 13 and 15 Richard II., and a Statute at Dublin, 11 Henry IV., as to labourers and sheriffs.

The Red Book also contains a set of *Articuli Cleri*, 19 Edward I. (1291), which are of extreme interest to the Irish ecclesiastical historian, especially as they have not hitherto been printed, and are practically unknown. The *Articuli Cleri* in *Statutes of the Realm* (Vol. I., p. 171) are dated 9 Edward II. (1316), so that the Irish articles are the more remarkable as being twenty-five years anterior in point of date to the English ones. The articles are in the form of complaints by Irish prelates and clergy, with replies by the Justiciar, and further replies by the King himself, which laid down the law on each subject. The references to local customs and rights in particular dioceses are frequent, and Lynch, in his *Feudal Dignities*, in a short notice of these articles, remarks that ecclesiastical jurisdiction in Ireland at the period, appears to have been of the most extensive character. The subjects complained of include the intrusion of the secular power and its officials into the affairs of the Church, notably in the matter of clerks being compelled to obey the law of the land as to capture of felons; as to sanctuary; ill-treatment and arrest of clerics engaged in spiritual ministrations; also as to prohibitions. They also deal with cognisance by Courts Christian of purely

ecclesiastical crimes; of their jurisdiction in testamentary matters, and in marriage and divorce; and as to the right of Excommunication.

Publication of the Red Book had been in contemplation, but since the text of the greater portion of its contents appears in the present volume, the necessity for this is now obviated. The Editors of the *Statutes of the Realm* had used it for the collation of certain statutes, but it was not resorted to for various readings in the cases of the Statutes of Gloucester, De Viris Religiosis (or Mortmain), Rhuddlan, Merchants, Lincoln, and York.

3. The Patent and Close Rolls of Ireland.

4. The Patent and Close Rolls of England.

5. The Plea and Justiciary Rolls of Ireland.

6. Memoranda Rolls of the Exchequer, Ireland.

These are all legal official records, in which enactments and ordinances are usually found enrolled, and they are, of necessity, of the highest authority.

There is a further source which has been drawn on, in the shape of records, which, while official in character, not being preserved in legal repositories, are not, perhaps, of equal importance in point of authority.

7 (a). First in this miscellaneous class, stands a civic record, the Liber Albus of the Corporation of Dublin. As the statutes and ordinances enrolled in the pages of this venerable record were transmitted by writ to the mayor and bailiffs of Dublin, for proclamation and observance, it is the authority for including them among statutes applicable to Ireland.

(b). The Liber Niger of Christ Church Cathedral, Dublin, a record which contains the enactments of an Irish parliament (see p. 195) and enrolments of some English statutes.

(c). MSS. in the British Museum.

(d). Carew MSS., in the Library of Lambeth Palace.

(e). A MS. in the Ussher Collection, Library of Trinity College, Dublin, which contains transcripts or abridgments of certain Irish statutes.

(f). The Red Book of the Diocese of Ossory contains an Inspecimus of the Magna Carta of K. Henry III. (English); Statute of Westminster the Second, 13 Ed. I.; ordinances and statutes made at Kilkenny, 1351;¹ and the ordinances against absentees from Ireland, 1379-80.

Attention must be directed to the proceedings recorded in pp. 229-237 of this work, as being of especial interest to the student of the growth and manner of parliamentary procedure at an early period of its institution in Ireland. In 1300, the King issued his writ, assigning to two officials the duty of asking contributions towards an Irish subsidy, in aid of his war with Scotland, which was sent to all cities and burghs throughout Ireland. The Justiciar thereupon summoned a general parliament to meet at Dublin, to which were summoned representatives of counties, cities, and burghs. Before its meeting, he decided to hold interviews with the mayors and citizens of the cities and burghs to be represented, when they promised contributions towards the subsidy. Parliament then met, but the members, speaking as representatives of their separate constituencies, pleaded want of authority to grant the subsidy, and suggested to the Justiciar that he should personally apply to the localities they represented. He acted on the suggestion,

¹ The enrolment in the Red Book of Ossory has been collated with that in the Memoranda Roll. (See p. 374) In clause 3 of these ordinances, the word *menour* in the Mem. Roll appears as *messour* in the Red Book; the clause numbered 15 in the latter, as to the Usher of the Exchequer taking only 20s. for his fee, is not found in the Roll; and in clause 23, as to taking Sheriffs' accounts, Waterford is substituted for Wexford

and received further contributions. Again, in 1310, writs were issued to certain magnates, for a Parliament to meet at Kilkenny. The sheriffs were also to summon representatives of the counties, cities, and burghs, to assist the Justiciar and council in making ordinances. In this Parliament, the King requested the assembly to choose two prelates, and two men of note, who were to choose sixteen of the wisest men, for deliberation. Certain prelates and magnates were elected, and sworn, and they seemed to have formed an inner council of representatives for the enactment of ordinances.

It is remarkable that nineteen of the ordinances made in the parliament of Kilkenny, 1366, had been previously enacted in almost precisely the same words in a parliament of 1351, held in the same city.

With regard to the Petitions or form of Declaration sent to King Henry V. in the ninth year of his reign from a parliament assembled at Dublin, some doubt may arise as to the propriety of printing the document in a volume of professedly statutable enactments, inasmuch as the King's answers are not annexed. Such answers, as in previous instances, would have had legislative force, but as the articles, merely in the form of complaints, throw much light on the government of this country and its social state during the period, and since they issued with the authority of the Irish parliament, there seemed every reason for including them. The Statute of Marlborough, 52 Hen. III., which in Ireland is only found in the Liber Niger of Christ Church, is not included in this collection. Being an English statute, not enrolled in any legal record, and no King's writ appearing for its observance here, it did not come within the rules laid down. So

long after its enactment, however, as the 13 Edward II., a parliament at Dublin agreed to hold it. It will be found in *Statutes of the Realm*, I., p. 19.

During the reign of King John commenced the gradual extension of English law over Ireland. Just as in England, a body of law was being formed here, based on writs that issued out of Chancery, and on judicial decisions. Pollock and Maitland, in their *History of English Law*, remark that a collection of formulas which Henry the Third sent to the Irish Chancery in 1227, shows by comparison with Glanvill's *Treatise*, how the number of writs to be had, of course, had grown in forty years. The writ transmitting this collection of formulas, is printed at p. 22 of this work. The collection is not found in any public legal record; but a description of the contents of the Register of Writs is given in the *Harvard Law Review*, 1889 (Vol. III., p. 110), in an article on it by the late Professor F. W. Maitland.

Statutes made in England, which were to be observed in Ireland, were sent by means of a transcript under seal from England, to the Chancery of Ireland, with a writ for their enrolment directed to the Chancellor. From the Chancery, they were exemplified under the great seal of Ireland, and sent to the two Benches and the Exchequer, and they were frequently proclaimed in the counties. Sometimes the writ requiring proclamation was addressed to the Justiciar.

A Statute such as that made at Rhuddlan, 12 Edward I., which solely concerned the revenue, sheriffs' accounts, and their mode of accounting, &c., appears only to have been transmitted from England by writ addressed to the Treasurer, Barons, and Chamberlains of the Exchequer.

The Calendar of the Justiciary Rolls of Ireland, 1295-1303, recently published, affords highly important evidence of the mode in which the Irish courts administered the law, and a reference to the Index of Subjects shows that the following English statutes were directly cited in cases before the Justiciar's Court in Ireland for that period, viz.:—Merton, Mortmain, Westminster I. and II., Gloucester, Merchants, Quia Emptores, and False Money. All these, save Quia Emptores, were transmitted for observance here, and treated as the law of the land. The presumption is, that though its enrolment here is not now forthcoming, this Statute had also been duly transmitted. +

In his Preface, the editor remarks that the law administered in the Justiciar's Court was the common law of England, and such statutes as were transmitted to be acted on in Ireland. A case is cited as tending to suggest that a statute of England might be considered to be of force here, even though it lacked such sanction. In this connection, as to the decisions of the courts under English statutes, the publication of the later volumes of this series of Calendars will be important to students of ancient legal procedure in this country. The Statute of Mortmain and chapter XVIII. of the Statutes of Westminster the second, as to election in recovery of debt, appear to have been before the Justiciar's Court more frequently than any of the others; and when the remaining Calendars appear, we shall be in a more favourable position for judging the amount of weight and authority accorded to these English Statutes by our Irish judicial bench.

In the interpretation of the law, the customs and usages of Ireland had frequently to be taken into account. The custom as to Dower had always the

force of law in this country, and special usages prevailed here in wardship, forfeiture, distraint, &c. For that as to the goods of a Testator, see p. 227. Ancient Irish custom as to hostages is cited at p. 443; and the customs and usages of Ireland are frequently mentioned as being reserved in particular instances. In the matter of Writs of Bounds, it was directed that in land inhabited by Irish, bounds should be made according to the custom of Ireland; while in places inhabited by English, they should be according to the custom of England. (Close Roll, Eng., 7 Hen. III., m. 19.)

From the time of Edward the First, a large number of enrolments in the Justiciary Rolls of the Exchequer are entitled "Pleas of Parliament," which include suits, petitions, and questions of a public character and of such importance that the adjudication on them of the Justiciar and Council in parliament was deemed necessary. The decisions in many instances might rank as ordinances, but while it seemed necessary to mention them, it was felt that their peculiar nature, the distinctly local character of many of them, and their great number, precluded the possibility of including these pleas in the work.

In the appendix will be found enumerated, as recited in records, several ordinances and proceedings in parliaments and great councils, which either have not sufficient authority to be placed in the body of the work, or like the Pleas of Parliament, are only of a local or temporary nature.

Thanks are due to the Right Rev. Dr. Crozier, Bishop of Ossory; to the Very Rev. the Dean of Christ Church, Dublin; the Librarian of Trinity College,

Dublin; the Town Clerk and Corporation of the City of Dublin; G. F. Warner, Esq., D. Litt., Keeper of the Manuscripts in the British Museum; and the Librarian, Lambeth Palace Library, for their kindness in affording access to the manuscripts in their custody; also to Sir Henry Maxwell Lyte, K.C.B., Deputy Keeper of the Public Records, for supplying transcripts of certain documents of record in his Department. The editor has also to acknowledge his deep sense of the courtesy and help extended by the officials of those Institutions and Departments.

PUBLIC RECORD OFFICE OF IRELAND,

30th January, 1907.

After the last sheet of this work had gone to press, a fragment of the enrolment of the Statutes made at York in the 9th year of King Edward the Third was found in a parcel of Equity Pleadings of the year 1707.

This enrolment is mentioned in the "Inventory of the Statute Rolls preserved in the Rolls office, Chancery," appended to a Report made by Mr. James Hardiman, Sub-Commissioner, dated 9 January, 1819. (*Reports of the Irish Record Commissioners, 1816-1820*, p. 353). Mr. Hardiman observes that this membrane, found among the miscellaneous records, and afterwards made up into a roll, contains three Statutes enacted at York; which very probably were transmitted from England to be observed here. It then bore no ancient mark or indorsement of any description, and was in good preservation. The membrane must have been misplaced and torn after that date, as the first of these Statutes, save its last line, is all that is now forthcoming. The text of this enactment will be found in *Statutes of the Realm*, Vol. I., p. 269.—H. F. B.

CHRONOLOGICAL TABLE OF STATUTES, ORDINANCES, AND WRITS FOR THEIR OBSERVANCE IN IRELAND.

Date. A.D. Reign.	Description of the Instrument.	Manuscript Authority.	Page.
JOHN.			
1204. A°-6,	King's Writ making the Justiciar's Writs current in Ireland.	Pat. Roll (Eng.) 6 John.	3
1207. -9,	King's Writ as to writs, and pleas of the Crown, &c.	Pat. Roll (Eng.) 9 John.	3
1207. -9	King's Writ ordaining that Irish robbers be dealt with according to the law of England.	Pat. Roll (Eng.) 9 John.	4
HENRY III.			
1216. A°-1,	The Great Charter of Ireland, ..	Red Book of the Exchequer, Ire- land.	5
1222. -6,	King's Writ commanding pleas of Bounds to be dealt with in Ireland as in England, &c.	Close Roll (Eng.) 6 Hen. III.	20
1222. -6,	King's Writ altering the limitation in Writs of <i>Mort d'ancestor</i> in Ireland.	Pat. Roll (Eng.) 6 Hen. III.	20
1226. -10,	King's Writ commanding the laws and customs of England to be kept in Ireland as in King John's time.	Pat. Roll (Eng.), 10 Hen. III.	21
1226. -11,	Statute of Ireland—of lands given in free marriage (as to who shall be tenant by the curtesy).	Lansdowne MS. 480, B. Mus.	21
1227. -12,	King's Writ transmitting the form of writs of course for observance in Ireland.	Cott. MS., Julius, D. II., B. Mus.	22
1228. 12,	King's Writ commanding that King John's Charter as to English laws and customs be observed in Ireland.	Close Roll (Eng.), 12 Hen. III.	23
1233. -18,	King's Writ commanding that pleas of lay fee and advowson of churches be not pleaded in Court Christian.	Pat. Rolls (Eng.), 18 Hen. III.	24
1234. -19,	King's Writ commanding that the Writ of Bounds run in Ireland as in England.	Close Roll (Eng.), 19 Hen. III.	26
1236. -20,	The Provisions of Merton (to be observed in Ireland).	Cott. MS., Claud. D. II. (B. Mus.) printed in <i>Stat. Realm.</i>	27

Date. A.D. Reign.	Description of the Instrument.	Manuscript Authority.	Page.
HENRY III.— continued.			
1236. A ^c -20,	The Statute of Ireland concerning Coparceners). King's Writ transmitting this custom of England for observance in Ireland.	Close Roll (Eng.), 20 Hen. III., printed in <i>Stat. Realm.</i>	30
1236. -21,	King's Writ altering the limitation in certain Writs in Ireland.	Pat. Roll (Eng.) 21 Hen. III.	31
1237. -21,	King's Writ commanding the custom of England, as to those born before wedlock, to be observed in Ireland.	Close Roll (Eng.) 21 Hen. III.	33
1237. -21,	King's Writ commanding the Writ of Bounds (if abrogated) to be recalled into use in Ireland.	Close Roll (Eng.), 21 Hen. III.	34
1238. -22,	King's Writ transmitting form of Writ of Bastardy, and commanding the English custom to be observed in Ireland.	Close Roll (Eng.), 22 Hen. III.	35
1246. -30,	King's Writ commanding Writs of right that run in England to run in Ireland, and that the laws and customs of England be observed in Ireland.	Pat. Roll (Eng.), 30 Hen. III., printed in <i>Stat. Realm.</i>	35
1269. -53,	Ordinance of the Justiciar's Council, with consent of magnates and commonalty of Ireland, as to uniformity of weights and measures throughout Ireland, &c.	Plea Roll, (Irel.) No. 5.	36
EDWD. I.			
1279. A ^c -7,	The Statute of Mortmain (as to men of religion).	Red Book of the Exchequer, Ireland.	36
1284. -12,	The Statute of Rhuddlan—Provisions made in the Exchequer.	Red Book of the Exchequer, Ireland.	40
1285. -13,	Memorandum as to the Statutes of Westminster I. and II., the Statute of Gloucester, and the Statute of Merchants having been sent to Ireland for proclamation and observance.	Close Roll (Eng.), 13 Edw. I.	46
1285. -13,	The Statutes of Westminster the First.	Red Book of the Exchequer, Ireland.	46
1285. -13,	The Statutes of Gloucester, ..	Red Book of the Exchequer, Ireland.	86
1285. -13,	Statute of Merchants, ..	Statute Roll (Eng.), 13 Edw. I., printed in <i>Stat. Realm.</i>	101
1285. -13,	Statutes of Westminster the Second.	Red Book of the Exchequer, Ireland.	104

CHRONOLOGICAL TABLE.

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Date. A.D. Reign.	Description of the Instrument.	Manuscript Authority.	Page.
EDWD. I.— continued.			
1291. A°.—19,	Articuli Cleri, Articles of the Clergy.	Red Book of the Exchequer, Ireland.	178
1293. —21,	Ordinances made in England, with the King's Writ commanding their observance in Ireland.	Red Book of the Exchequer, Ireland.	190
1297. —25,	Ordinances made in a General Parliament held in Ireland.	Black Book of Christ Church, Dublin.	194
1299. —27,	Ordinances made by the Chief Justiciar and the King's Council. (Plea of Parliament at Dublin).	Justiciary Roll (Irel.), 27 Edwd. I.	212
1299. —27,	Certain ordinances concerning false money, &c., made in England, with King's Writ commanding them to be observed in Ireland.	Justiciary Roll (Irel.), 27 Edwd. I. and Red Book of the Exchequer, Ireland.	220
1300. —28,	Certificate by the King's Council in Ireland of the custom of Ireland as to the goods of a Testator.	Justiciary Roll (Irel.) 28 Edwd. I.	226
1300. —28,	Plea of Parliament at Dublin. Proceedings in a General Parliament at Dublin in relation to grants towards a subsidy in aid of the war with Scotland, as requested in a writ of the King.	Justiciary Roll (Irel.), 28 Edwd. I.	228
1300. —28,	King's Writ commanding that no silver or other white money, silver vessels or silver in bulk, be carried out of Ireland.	Justiciary Roll (Irel.), 28 Edw. I.	238
1307. —35,	The English Statute as to Religious persons— <i>De asportatis Religiosorum</i> —made at Carlisle, with King's Writ for observance in Ireland.	Justiciary Roll (Irel.), 35 Edwd. I.	240
EDWD. II.			
1308. A°. 1,	King's Writs transmitting the Statute of Winchester for observance in Ireland, with regulations for preservation of the peace, &c.	Plea Roll (Irel.), 1 & 2 Edwd. II.	244
1308. —1,	The Statute of Winchester, ..	Statute Roll (Eng.), 13 Edwd. I., printed in <i>Stat. Realm.</i>	254
1310. —3,	Parliament of Kilkenny. King's Writs for the Parliament; and the Ordinances enacted therein.	Pat. Roll (Irel.), 3 Edwd. II.	258

Date. A.D.	Reign.	Description of the Instrument.	Manuscript Authority.	Page.
EDWD. II.— continued.				
1310.	A°.-8.	Ordinances of a Parliament (presumably further ordinances of the same Parliament of Kilkenny), with excommunication pronounced in St. Canice's, Kilkenny, against those contravening them.	Red Book of the Exchequer, Ireland.	270
1316.	-10.	Ordinance made by the Justiciar and Council as to rents of alien absentees' lands being expended for defence of the country.	Memoranda Roll, Exchequer (Irel.) 3-11 Edwd. II.	278
1320.	-13.	Ordinances in a Parliament at Dublin. Amongst others, the Statutes of Westminster I. and II., Merton, Marlborough, and Gloucester to be examined, and points in them applicable to Ireland to be confirmed and held.	Red Book of the Exchequer, Ireland.	280
1321.	-14.	King's Writ commanding that the Irish admitted to English law use same concerning life and limbs.	Pat. Roll (Eng.), 14 Edwd. II., (printed in Prynne's <i>Animadversions</i>).	292
1323.	-17.	Ordinance made for the state of Ireland at Nottingham, with Writ transmitting it for observance in Ireland.	Statute Roll (Eng.), 17 Edwd. II., printed in <i>Stat. Realm</i> .	293
1324.	-17.	Writ transmitting the Statutes of Lincoln and York, and commanding their observance in Ireland.	Red Book of the Exchequer, Ireland.	296
		Statute of Lincoln,	Do., ..	298
		Statute of York,	Do., ..	300
1324.	-17.	Ordinances made in a full Parliament at Dublin.	Close Roll (Irel.), 18 Edwd. II.	306
1325.	-19.	Statute of Ireland. King's Writ confirming and ratifying the Statutes, &c., made at Kilkenny and Dublin, in the 3rd, 13th, 17th, and 19th years of his reign.	Close Roll (Irel.), 20 Edwd. II.	310
1326.	-19.	Ordinances of the Staple of England, Ireland, and Wales, transmitted by King's Writ to the Mayor of Dublin for observance.	Liber Albus, Corporation of Dublin.	314
EDWD. III.				
1331.	A°.-5.	Articles of the last Parliament at Westminster made for the improvement of Ireland, with King's Writ for their observance in Ireland.	Memoranda Roll, Exchequer, Ireland, 5 & 6 Edwd. III.	322
1331.	-5.	King's Writ commanding that castles, lands, &c., granted after the King undertook the government, be resumed into his hands.	Memoranda Roll, Exchequer, Ireland, 5 & 6 Edwd. III.	330

CHRONOLOGICAL TABLE.

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Date. A.D. Reign.	Description of the Instrument.	Manuscript Authority.	Page.
EDWD. III.— continued.			
1332. A°.-6.	King's Writ commanding observance in Ireland of the Statutes made at Westminster, 1327, 1330, 1331; and at Northampton, 1328.	Statute Roll (Eng.) 6 Edwd. III., printed in <i>Stat. Realm</i> .	330
1342. -16.	Petitions sent by the prelates, earls, barons, and commonalty of Ireland to the King, which on being examined by his Council the King answered; the answers to be held and maintained.	Red Book of the Exchequer, Ire- land.	332
	King's Writ authorizing the purport of the answers to be published and observed in Ireland, &c., &c.	Close Roll (Eng.), 16 Edwd. III., printed in Rymer's <i>Foedera</i> , vol. II.	362
1344. -18	King's Writ that none are to supply the Irish at war against the King with victuals, &c., and that one peace and one war be observed throughout Ireland.	Close Roll (Irel.), 18 Edwd. III.	364
1349. -23,	King's Writ transmitting to the mayor and bailiffs of Dublin the English Statute of Servants and Labourers, and commanding it to be proclaimed and observed in the city.	Liber Albus, Cor- poration of Dub- lin.	366
	(Cap. XIV. of the Ordinances of 1351 ordained that the English Statute of Labourers sent to Ireland be sent to all sheriffs, seneschals, mayors, &c., for proclamation).		
1349-50. -24,	Memorandum as to the Statute which enacted that magnates having lands in Ireland should have there men-at-arms, &c.	Red Book of the Exchequer, Ire- land.	372
1349-50. -24,	Extract from Ordinance in a Parliament at Westminster as to issues of lands in Ireland being spent in their defence, &c.	Rot. Rom. (Eng.), 24 Edwd. III., (printed in Rymer's <i>Foedera</i> , vol. III).	373
1351. -25,	Ordinances made in a Great Council at Kilkenny.	Memoranda Roll, Exchequer, Ire- land, 25 & 26 Edwd. III.	374
1355. -29,	Ordinance of the Council against forestallers of fish, &c.	Close Roll (Irel.), 29 & 30 Edwd. III.	398
1355. -29.	King's Writ conveying an Ordinance of the King and Council in England as to the correction of errors in Parliaments to be held in Ireland, &c.	Close Roll (Eng.), 29 Edwd. III., printed in Rymer's <i>Foedera</i> vol. III.	406

Date. A.D. Reign.	Description of the Instrument.	Manuscript Authority.	Page.
EDWD. III.— <i>continued.</i>			
1357. A°.-31,	An Ordinance made for the estate of the land of Ireland.	Statute Roll (Eng.), 31 Edwd. III., printed in <i>Stat. Realm.</i>	408
1361. -35,	King's Writ commanding that clerks of the Irish race, faithful subjects, be not excluded from ecclesiastical benefices. (by Petition of Parliament).	Close Roll (Eng.), 35 Edwd. III., printed in Rymer's <i>Fœderæ</i> , vol. III.	420
1361. -35,	Ordinances of the King and Council in England as to sheriffs, seneschals, and levying the King's debts, transmitted by Writ for observance in Ireland.	Memoranda Roll, Exchequer (Irel.), 34 and 35 Edwd. III.	422
1366. -40,	The Statutes of Kilkenny, ..	Carew MS., 603, Lambeth Palace Library.	430
1368. -42,	An Ordinance concerning the land of Ireland made in a Parliament at Dublin.	Close Roll (Eng.), 42 Edwd. III., printed in Rymer's <i>Fœderæ</i> , vol. III.	470
RICH. II.			
1377. A°.-1,	Agreement in a Parliament at Tristeldermot, granting Murgh Obryen a subsidy, on condition of his withdrawing his forces from Leinster.	Close Roll (Irel.), 1 Ric. II.	472
1380. -3,	Petitions on behalf of Ireland presented to the English Parliament, with answers of the King in the nature of Ordinances made with assent of parliament.	Rot. Parl. (Eng.), 3 Ric. II., printed in Frynne's <i>Annals</i> .	476
1380. -4,	Grant by a Parliament at Dublin for the levying of certain small new customs.	Pat. Roll (Irel.), 5 Ric. II.	478
1380. -4,	Subsidy of a Tenth granted by the prelates and clergy in a Parliament held at Dublin.	Close Roll (Irel.), 4 Ric. II.	480
1380. -4,	Confirmation of Cap. XIV. of the Statutes of Kilkenny, as to no Irishman or Scot being admitted to the profession of a religious house.	Close Roll (Irel.), 4 Ric. II.	480
1385. -9,	King's Writ, founded on Petition to a Great Council held at Dublin, as to the people of Ireland not being molested, contrary to their liberty and privilege, by the execution of writs out of England.	Close Roll (Irel.), 9 Ric. II.	482
1385. -9,	Agreement in a Great Council to send messengers to the King, to ask him to visit Ireland.	Close Roll (Irel.), 9 Ric. II.	484

CHRONOLOGICAL TABLE.

XXV

Date. A.D. Reign.	Description of the Instrument.	Manuscript Authority.	Page.
RICH. II.— continued.			
1385. A°.-9.	Declaration made by Philip de Courtenay, lieutenant of Ireland, in a Great Council at Dublin, as to persons whom he might have aggrieved.	Close Roll (Irel.), 9 Ric. II.	486
1388. -12.	Ordinance that the English Statutes of Artificers, Labourers, and Servants be observed in Ireland, and as to their wages, &c.	Liber Albus, Corporation of Dublin.	488
1389. -13.	Ordinance by the Irish Parliament that none buy falcons, hawks, &c., in Ireland, for sale there or in England.	Pat. Roll (Irel.), 13 Ric. II.	490
1391. -15.	King's Writ, commanding observance in Ireland of certain articles in English Statutes of Edward III., and Richard II.	Liber Albus, Corporation of Dublin.	492
1394. -18.	Ordinance in a Parliament at Dublin that necessities be not sold to any Irishman not abiding among English lieges.	Close Roll (Irel.), 18 Ric. II.	498
HEN. IV.			
1399. A°.-1.	The Statute of Absentees, 3 Ric. II. (Eng.), transmitted by Writ commanding its observance in Ireland.	Red Book of the Exchequer, Ireland.	500
1402. -3.	Statutes and Ordinances made in a Parliament at Dublin.	Pat. Roll (Irel.), 3 Hen. IV.	504
1412. -3.	The Statute enacted against Admirals, 13 Ric. II., ordered to be observed in Ireland, by an Irish Statute, 3 Hen. IV.	Red Book of the Exchequer, Ireland.	510
1412. -3.	The Statute enacted against Admirals, 15 Ric. II., ordered to be observed in Ireland, by an Irish Statute, 3 Hen. IV.	Red Book of the Exchequer, Ireland.	510
1402. -3.	Article against forcible entry, made in a Parliament at Dublin, sent with King's Writ for observance.	Plea Roll (Irel.), 3 Hen. IV.	514
1409-10. -11.	Statutes made in a Parliament at Dublin as to labourers, and as to sheriffs.	Red Book of the Exchequer, Ireland.	516
1410. -11.	An abridgment of Statutes made in a parliament at Dublin. (Certain of the articles are only in the nature of bills, no enactments having been made on them).	Ussher MS. E. 1. 41. Library, Trinity College, Dublin.	520

Date. A.D. Reign.	Description of the Instrument.	Manuscript Authority.	Page.
HEN. IV.— continued.			
1411. A ^o .-13,	English Statutes against Provisors, &c., sent by King's Writ, commanding them to be enrolled, proclaimed, and observed in Ireland.	Pat. Roll (Irel.), 13 Hen. IV.	528
HEN. V.			
1413. A ^o .-1,	Statute of a Parliament at Westminster, as to Irish clerks, beggars, &c., being sent out of England, &c.	Statute Roll (Eng.), 1 Hen. V., printed in <i>Stat. Realm.</i>	560
1416. -4,	Statute of a Parliament at Westminster, confirming an Irish Statute against Irishmen being prelates in Ireland, &c.	Statute Roll (Eng.), 4 Hen. V., printed in <i>Stat. Realm.</i>	560
1421. -9,	Petitions, or a Declaration of the community of the land of Ireland, in a Parliament at Dublin, sent to the King in England. Answers (if any) do not appear to have been enrolled.	Pat. Roll (Irel.), 9 Hen. V.	562

EARLY STATUTES
OF
IRELAND.

EARLY STATUTES OF IRELAND.

6 JOHN. A.D. 1204.

[PATENT ROLL (ENGL.) 6 JOHN m. 6].¹

THE King, &c., to his Justiciar, barons, knights, and all his faithful subjects of Ireland, &c. Know ye that we have granted authority to our Justiciar of Ireland that his writs shall run throughout our entire land and dominion of Ireland, namely—the writ of *Right*, of half a knight's fee and less; and of *Mort d'ancestor* likewise of half a knight's fee and less; and the limitation of *Mort d'ancestor* shall be after the passage of King Henry our father, from Ireland into England; and the writ of *Novel Disseisin* shall have its limitation after our first coronation at Canterbury, and the writ of *Fugitives and Villeins* shall have its limitation after the taking of Dublin; and the writ for *making bounds* between two villis (except baronies); and so we command and strictly enjoin that you cause these things so to be done and firmly observed throughout our entire jurisdiction of Ireland. Witness myself at Westminster the 2d day of November.

Writs made
current; their
limitation.

9 JOHN. A.D. 1207.

[PATENT ROLL (ENGL.) 9 JOHN m. 4 f.].²

THE King to all, &c., of all Ireland, &c. You well know that as we are bound to maintain and guard your rights, so are you bound to preserve and defend our rights in all things. And inasmuch as we are unwilling that you should be governed henceforth except by law and judgment, or that anyone should take anything from you at his will, or should be able to disseise you of your free tenements unjustly and

King's Writs
and pleas of
the Crown.

¹ The text is printed in *Rot. Lit. Pat. in turri Lond.*, 1201-1216, p. 47; also in *Frynne's Animadversions* (1669), p. 250.

² The text is printed in *Rot. Lit. Pat. in turri Lond.*, 1201-1216, p. 76.

without judgment, or that you should be impleaded of your free tenements by writ of any save of us or of our Justiciar, but that justice may be shown to you therein by us, We strictly forbid you, by the fealty whereby you are bound to us, to answer for any or in the court of any, of your free tenements save by precept and writ of us or of our Justiciar, or to answer of any plea of the Crown save before us or our Justiciar or before the Justices whom we or the said Justiciar shall send among you for the upholding of the law, and be you faithfully in aid to the said Justiciar so to maintain this. And if anyone presume to contravene this or to interfere with you, you shall have recourse to our said Justiciar, whom we have enjoined to remedy it for you with our power and your assistance, wherefore we will and command this to be thus strictly observed. We forbid, &c., upon forfeiture of life and limbs, that anyone sell or buy by other money than our money of Ireland, which we will to be current throughout our whole realm and no other. Witness myself at Woodstock the 9th day of November.

Irish
currency.

9 JOHN. A.D. 1207.

[PATENT ROLL (ENGL.) 9 JOHN m. 2 f.].¹

Irish robbers,
&c., to be
dealt with
according to
the law of
England.

THE King to M[eiler], son of Henry, Justiciar of Ireland, &c., and to all other his barons and faithful subjects of Ireland, &c. Know ye that at the wish and advice of our beloved and faithful Earl W[illiam] Marescal, and Walter de Lascy, and other of our barons of Ireland, who were with us in England, and by advice of our faithful subjects of England, we will and ordain that the robbers of Ireland be driven out of our land of Ireland, and that they and those who receive them be dealt with according to the law of England. And so we command you that thus you cause it to be done, and in witness hereof, we send you these our letters patent. Witness myself at Southampton the 23d day of March.

¹ The text is printed in *Rot. Lit. Pat. in turri Lond.*, 1201-1216, p. 80 ; also in Prynn's *Animadversions* (1669), p. 250.

1 HENRY III. A.D. 1216.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 69-73.]

THE GREAT CHARTER OF IRELAND.

HENRICUS dei gr̃a Rex
 Anglie Dñs Hybnie
 Dux Normañ & Aquit Comes
 Andegaue Archiep̃s Ep̃s
 Abbatibz Comitibz Baronibz
 Justiciař fforestař vicecomi-
 tibz pp̃oitis Ministris Civibz
 balliuis & fidelibz suis salutem.
 Sciatis nos intuitu dī & pro
 salute anime nre & omniū
 antecessoz & successoz¹ nroz
 ad honorem dei & exaltačōem
 sčē Ecclie & emendačōem Regni
 nri p consilium venerabilium
 patrum nroz dñi Gualo t̃t sčī
 Martini p̃sbifi cardinal &
 apostolice sedis legati P:
 Winton. R: de sčō assapho
 J: Bathon & Glaston: S.
 Exon. R: Cicester. W:
 Couentř. B: Roffe. H:
 London² . . .³ meneuen
 . . .³ Bangoreñ & S:

HENRY, by the grace of
 God, King of England,
 lord of Ireland, Duke of Nor-
 mandy and Aquitaine, Count
 of Anjou, to the archbishops,
 bishops, abbots, earls, barons,
 justices, foresters, sheriffs,
 provosts, ministers, citizens,
 bailiffs, and his faithful people,
 greeting. Know ye that we,
 having regard to God and for
 the salvation of our soul and
 [the souls] of all our ancestors
 and successors, to the honour of
 God and for the exaltation of
 Holy Church and the amend-
 ment of our kingdom, by the
 advice of our venerable fathers,
 the lord Gualo, cardinal priest
 by the title of St. Martin, and
 legate of the Apostolic See;
 P[eter] of Winchester; R. of
 St. Asaph; J[ocelyn] of Bath
 and Glastonbury; S[imon] of
 Exeter; R[ichard] of Chi-
 chester; W[illiam] of Coven-
 try; B[enedict] of Roches-
 ter; H[enry] of Llandaff;
 . . . of St. David's; . . .
 of Bangor; and S[ilvester] of

¹ Interlined.² The Red Book reads *London*, while *Statutes of the Realm* has *Llandav*, which is correct, as Henry was Bishop of Llandaff, 1191-1219. The Bishop of London in 1216 was William de S. Mere l'eglise.³ So in Red Book. In 1216 Gervase was Bishop of St. David's, and Cadwgan of Bangor.

Wygorū eþoꝝ ⁊ nobiliū viroꝝ Wilh̄i Marescalli Comit̄is Penbroc̄
 R : Comit̄is Cest̄r W : de feiraꝝ Comit̄is de Derb̄ W. Comit̄is
 de Aubemarle Huberti de Burgo Justiciaꝝ n̄ri Sauariciū de
 malo leone Wilh̄mi Bruerie pat̄s Wilh̄i Brueꝝ f̄it Roberti de
 curtenai Falkesii de Breute Reginaldi de rautort W : de laci
 Hugoñ de motuo mari Joñ de Monomuto W : de Beuchaump
 W : de Cliffoꝝ R : de mortuo mari Wilh̄i de Cantilupo Mathei
 f̄it Herberti Joñnis marescalli Alani Bassett P : de albuniaco
 Joñnis extranei ⁊ alioꝝ fidelium n̄roꝝ. C. In p̄mis concess̄
 deo hac p̄senti carta n̄ra confirmasse p̄ nobis ⁊ heredibꝫ n̄ris
 imppetuū qđ Hyb̄nicana eccl̄a libera sit ⁊ habeat iura sua
 inteḡ ⁊ libertates suas illesas. Concessimus ⁊ omnibꝫ liberis
 hominibꝫ de regno n̄ro p̄ nob ⁊ heredibus imppetuum omnes
 libertates subsc̄ptas habendas ⁊ tenendas eis ⁊ heredibꝫ suis
 de nob ⁊ heredibꝫ n̄ris. C. Si quis Comitū ut baronū n̄oꝝ
 siue alioꝝ tenentiū de nob in capite p̄ ꝑuiciū militare
 mortuus fuerit ⁊ cum decesserit heres suus plene etatis
 fuerit ⁊ relēū debeat habeat hereditatē suam p̄ antiquū
 releuiū silioet heres ut heredes comitis de Baronia coñ
 inteḡ p̄ centum lib̄s. Heres ut heredes baronis de Baronia
 baronis inteḡ p̄ centum libras. Heres ut heredes militis de
 feudo militis integro p̄ centū solidos ad plus ⁊ qui min'
 debuerit minus det scđm antiq̄m consuetudinem feodoꝝ. Si
 autem heres alicui' taliū fuerit infra etatem dominus eius non
 h̄ebit custodiam ip̄ius nec l̄re sue anteq̄m homagium eius cepit
 ⁊ posq̄m tat̄ heres fuerit in custodia ad etatem puenerit silꝫ
 viginti ⁊ vnus annoꝝ Habeat hereditatem suam sine releuio ⁊
 sine fine. Ita tamen qđ si ip̄e dum infra etatem fuerit miles,
 nichilhō l̄ra remaneat in custodia dñi sui usq̄ ad p̄d̄m l̄minū.

Worcester, bishops ; and of the nobles, William Marescal, earl of Pembroke, R[alph], earl of Chester ; W[illiam] de Ferrars, earl of Derby ; W[illiam], earl of Albemarle ; Hubert de Burgo, our Justiciar ; Savaric de Malo Leone ; William Bruere, the father ; William Bruere, the son ; Robert de Curtenai, Falk de Breute, Reginald de Vautort, W[alter] de Laci, Hugh de Mortimer, John of Monmouth, W[alter] de Beuchaump, W[alter] de Clifford, R[obert] de Mortimer, William de Cantilupo, Matthew son of Herbert ; John Marescal, Alan Basset, P[hilip] de Albuniaco, John Lestrangle, and other our lieges.

Firstly we have granted to God, [and] by this our present Irish Church Charter have confirmed for us and our heirs for ever that the Irish Church shall be free, and have all her rights entire and liberties inviolable.

We have also granted to all free men of our kingdom, for us and our heirs for ever, all the liberties underwritten, to have and to hold to them and their heirs of us and our heirs.

If any of our Earls or Barons or others holding of us in chief Reliefs by knight service die, and at the time of his death his heir be of full age and owe Relief, he shall have his inheritance by the ancient Relief, namely, the heir or heirs of an Earl for the entire barony of the Earl by one hundred pounds ; the heir or heirs of a Baron for the entire barony of the Baron by one hundred pounds ; the heir or heirs of a Knight for a whole Knight's fee by one hundred shillings at the most : and he who owes less shall give less, according to the ancient custom of the fees.

But if the heir of any one of such be under age, his lord shall not have the wardship of him nor of his land before that he take of him homage. And when such heir who shall have been in ward shall come to age, that is to say of twenty-one years, he shall have his inheritance without Relief and without fine ; provided that if he while under age become a knight, nevertheless his land shall remain in the custody of his lord up to the said term.

Custos pre hi' et heredis qui inf' etatem fuerit non capiat de pre hered' nisi rationabiles exitus et rationabiles consuetudines et rationabilia iucia et hec sine distruccone ut vasto hominu ut rex; et si nos comiserim' custodiam alic' tat pre vicecoi ut alicui alii qui de exitibz pre illius nob' respond'e debeat et ille destrucionem fecerit de custodia ut vastum; Nos ab eo capiem' emend et terra co'committat' duobz legalibz et discretis hominibz de feudo illo q' de exitibz respondeant nob' ut ei cui illos assignauimus. Et si dederimus ut vendideribus¹ alicui custodiam alicui' tat pre et ille destrucconem inde fecerit ut vastum amittat custodiam illam et t'dat' duobz legalibz et discretis hominibz de feodo illo qui simil' nob' inde respondeant sicut p'dcm est. Custos aut' q'mdiu custodiam pre habet sustentet domos parcos viuaria stangna molendina et cetera ad illam p'tinencia de exitibz pre eiusd', et reddet heredi cu' ad plenam etatem puenit p'ram suam totam instauratam de carucis et omnibz aliis rebz admin' scdm q'd illas recepit. Hec omnia obseruent' de custodia Archiep'atu' Ep'atu' Abbaciaz p'oratu' ecclesiaz et dignitatu' vacanciū excepto q' custodie hi' uendi non debent. Heredes maritant' absq' dispagaccone. Vidua p' mortem mariti sui statim et sine dilacone aliq' habeat maritagiū suū et hereditatem suam nec aliquid det p' dote sua ut maritagio ut h'editate sua q'm hereditatem marit' suus et ip'a tenuerit die obitus ip'ius mariti et maneat vidua in domo mariti sui p' xl^a dies post mortem ip'ius mariti sui infra quos ei assignet' dos sua n' p'ius ei fuerit assignata ut nisi dom' illa fuit castrū et si de castro recesserit statim p'uideat' ei dom' competens in qua possit honeste morari quousq' dos sua ei assignet' scdm q'd p'dcm est. Nulla vidua dist'

¹ So in MS.

The guardian of such land and heir, who may be under age, shall not take of the land of the heir save reasonable issues, reasonable customs, and reasonable services, and these without destruction or waste of men or goods. And if we commit the custody of any such land to the Sheriff or any other who ought to answer to us of the issues of that land, and he make destruction or waste of what is in his custody, we shall take of him amends, and the land shall be committed to two lawful and discreet men of that fee, who shall answer of the issues to us, or to him to whom we shall have assigned them. And if we shall give or sell to anyone the custody of any such land, and he make destruction thereof, or waste, he shall lose that custody, and it shall be delivered to two lawful and discreet men of that fee, who likewise shall answer to us thereof, as aforesaid.

But the guardian as long as he has custody of the land shall keep up the houses, parks, vivaries, ponds, mills, and other things pertaining to that land out of the issues of the said land, and shall restore to the heir, when he shall have come to full age, all his land stored with ploughs, and all other things, at least as he received them.

All these things shall be observed in regard to the custody of vacant archbishoprics, bishoprics, abbacies, priories, churches and dignities, save that such custodies ought not to be sold.

Heirs shall be married without disparagement. A widow immediately after the death of her husband, and without any delay, shall have her marriage [portion] and her inheritance, neither shall she give anything for her dower or marriage [portion] or inheritance, which inheritance her husband and she herself held on the day of the death of the said husband, and the widow may remain in the house of her husband for forty days after her said husband's death, within which her dower shall be assigned her, unless it shall have been assigned her previously, or unless that house be a castle, and if she depart from the castle, immediately a competent house shall be provided for her in which she may honourably dwell until her dower be assigned her as aforesaid. No widow shall be com-

Waste on
lands of a
minor.

Guardian to
keep up
houses, &c.

Same in cases
of vacant
Sees, &c.

Marriage of
heirs.

Widows.

Quarentine.

ad se maritandū dū volūit viſe ſine marito. Ita tamē qđ ſecuritatem faciat qđ ſe non maritabit ſine aſſenſu nro ſi de nob tenſit ut ſine aſſenſu dñi ſui ſi de alio tenuerit. Nos ut balliui nri non ſaysiemus fram aliq^m n^o redditū p debito aliq^o q^mdiu catalla debitoris ꝑſencia ſufficiūt ad debitū reddend^o & iꝑe debitor patuſ inde ſatiſfaċe nec ꝑgii iꝑiuſ debitoris diſt^{ngant} q^mdiu iꝑe capitā debitor ſufficit ad ſoluċoem debiti. Et ſi capitā debitor defeċit in ſoluċone non habens vnde reddat aut redd^oe nolit cum poſſit ꝑgii reſpondeant de debito & ſi volūint habeant t^{ras} & reddit^o debitoris quouſq^{ue} ſit eis ſatiſfċm de debito qđ ante ꝑ eo ſoluerūt nⁱ capitā debitor monſt^{uerit} ſe quietū eſſe uerſuſ eoſd^{os} ꝑgios. Ciuitas Dublin habeat omneſ antiq^{ue} libertateſ & liberaſ cōſuetudineſ ſuaſ. Prefea volum^{us} & concedim^{us} qđ omneſ alie ciuitateſ ville & Burgi & omneſ portuſ habeant omneſ libertateſ & liberaſ conſuetudineſ ſuaſ. Nulluſ diſtingat^{ur} ad faciend^{um} mai^{or} ſuiciū de feodo militiſ n^o de alio libero tenemēto q^m inde debetur. Cōmunia placita non ſeq^{untur} curiam nram ſz teneant^{ur} in aliquo c^oto loco. Recogniċōeſ de noua diſſeysiſina de morte antecęſſoriſ & de ultima ꝑſentaċōe nō capiant^{ur} niſi in ſuiſ Comitatuibz & hoc modo. Noſ ut ſi ext^{ra} regnū fuerim^{us} capitaliſ Juſtiċ n^or mittem^{us} duoſ juſticia^{reſ} p vnūquemq^{ue} comitatū p q^{atuor} viceſ in anno qui cū q^{atuor} militibz cui^{uſ}libet comitat^{us} electiſ p comitatū capiant & in comitatu & in die & loco Comitatuſ Aſſiſaſ ꝑdċaſ. Et ſi in die Comitatuſ aſſiſe ꝑdċte capi nō poſſunt, tot militeſ & libere tenenteſ remaneāt de illiſ qui inſſue^{re}nt comitatu die illo ꝑ q^{uo}ſ poſſit ſufficien^{ter} iudicia fieri ſcdm qđ negociū fūit mai^{or} ut min^{or}.

pelled to marry while she wishes to live without a husband, **Remarriage.** provided, nevertheless, that she give security that she will not marry without our assent, if she hold of us, or without the assent of her lord, if she hold of another.

We or our bailiffs shall not seize any land or rent for any **Seizure for debt.** debt as long as the chattels of the debtor at hand suffice for paying the debt, and the debtor himself be prepared thereout to satisfy. Neither shall the sureties of the debtor himself be distrained as long as the principal debtor himself suffice for the payment of the debt. And if the principal debtor fail in payment, not having whereof he can pay, or be unwilling to pay when he is able, the sureties shall answer for the debt, and if they wish they may have the lands and rents of the debtor until satisfaction be made to them for the debt which they already paid for him, unless the principal debtor show that he is quit as regards those sureties.

The City of Dublin shall have all its ancient liberties and **Liberties of** free customs: moreover, we will and grant that all other **Dublin, &c.** cities, towns, and burghs, and all ports shall have all their liberties and free customs.

No one shall be distrained to do more service of a knight's **Distress for services.** fee or of any other freehold than is thereout due.

Common Pleas shall not follow our Court, but shall be held **Common Pleas.** in some certain place.

Assises of Novel Disseisin, of Mort d'ancestor, and of Darrein Assises. *presentment* shall not be taken except in their own counties, and in this way. We, or if we be out of the kingdom, our Chief Justiciar, shall send two justices through every county four times in the year, who, with four knights of every county elected by the county, shall take, both in the county [court] and on the day and place of the county, the aforesaid assises; and if on the day of the county [court] the aforesaid assises cannot be taken, so many knights and free tenants of those who were present at the county [court] on that day shall remain, by whom it may be competent to make judgments according as the business shall be more or less.

Liber homo ñ afficiet^r p^o puo delicto nⁱ scđm modū delicti, & p^o magno delicto scđm magnitudinem delicti saluo contenemēto suo & ficator eodē m^o salua ficatoria sua et villanus eodem m^o afficietur saluo wannagio suo si inciderit in mīam n^{ra}m. Et nulla p^ocoz mīaz ponat^r nⁱ p^o sac^oment^o p^oboz & legaliū hominū de visneto. Comites & Barones non afficient^r nⁱ p^o pares suos & non nⁱ scđm modū delicti. Nullus clericus afficiet^r nⁱ scđm formam p^ocoz & non scđm q^ontitatem beneficii sui eccl^oastici. Nec villa nec homo dist^ong^ot^r fa^ode pontes ad riparias nisi qⁱ ab antiq^o & de iure fa^ode debent. Nullus vi^o Constabula^r Coronatores v^t alii balliui n^{ri} teneant placita corone n^{re}. Si aliqⁱs tenens de nob^{is} laicū feodū moriat^r & vicecomes v^t ball^{is} n^{ri} ostendat lit^{as} n^{ras} patentes de sumōi^one n^{ra} de debito quod defūctus nob^{is} debuit, liceat vicecomiti ut Balliuo n^{ro} attachiare & inb^ofiare catalla defūcti inuenti¹ in laico feodo ad valenciam illius debiti p^o visum legaliū hominū. Ita tamen qđ nichil inde amoueat^r don^o p^osolvat^r nob^{is} debitū qđ clarū fuit & residuū relinq^ot^r executoribz ad faciendū testamētū defūcti. Et si nich^{il} debeat^r ab ip^o omīa catalla cedant defūcto saluis uxori sue & p^ois suis racionabilibz ptibz suis. Nullus Constabula^r ut eius ball^{is} capiat blada ut alia catalla alicui^o qui non sit de villa ubi cast^r suū est nisi statim inde reddat denarios ut respectum inde h^{re} possit de voluntate venditoris; si autem de villa fu^oit, teneat^r infra tres sept^{as} p^ociū reddere. Nullus Constabula^r distringat aliquē militem ad dand^o denarios p^o custodia castⁱ si ip^o eam fa^ode volu^oit in pp^a p^osona sua ut p^o alium p^obum hominē si ip^o eam fa^ode non possit pp^o racionabilem

¹ So in MS.

No freeman shall be amerced for a small fault, but according to the measure of the fault, and for a great fault according to the magnitude of the fault, saving his contenement; and a merchant in the same way, saving his merchandise; and a villein shall be amerced in the same way, saving his wannage, if he fall into our mercy; and none of the said amercements shall be assessed but by the oath of good and lawful men of the venue. Earls and barons shall not be amerced except by their peers, and according to the measure of their fault. No clerk shall be amerced except according to the form of the aforesaid, and not according to the quantity of his ecclesiastical benefice.

No town nor individual shall be distrained to make bridges over rivers, except those who of old and of right ought to make them.

No sheriff, constable, coroners, or other our bailiffs shall hold pleas of our crown.

If any holding a lay fee of us die, and our sheriff or bailiff show our letters patent of our summons of debt, which the deceased owed us, it shall be lawful for our sheriff or bailiff to attach and schedule the chattels of the deceased, found in the lay fee, to the value of that debt, by view of lawful men; provided, nevertheless, that nothing thereof be removed until there be paid us the debt which was clear, and the residue shall remain to the executors to fulfil the testament of the deceased; and if nothing be owing by him, they shall give up all chattels to the deceased, saving to his wife and children their reasonable portions.

No constable or his bailiff shall take corn or other chattels of anyone who be not of the vill where his castle is, unless he forthwith pay money therefor, or by the will of the vendor he can have respite thereof; but if he be of the vill, he shall be bound to pay the price within three weeks.

No constable shall distrain any knight to pay money for guarding his castle, if he be willing to do it in his own person, or by any other good man, if he cannot for reasonable

Amercements
of freemen,
&c.

Peers.

Bridges.

Pleas of the
Crown.

Crown debts
of a deceased.

Purveyance
for castles.

Castle ward.

causam, & si nos duxim' ut miserim' eū in exēcitū erit quiet' de custōdia scōm q'ntitatē tēpis quo p nos fuit in exēcitu. Nullus vicecomes vī Balliūs n'r vī alius capiat eq's ut carectas alicui' p cariagio faciendo n' reddat liberaōem antiquit' statutā, scilz p carecta ad duos equos decem denarios p diem & p carecta ad tres equos q'tuordecim denarios p diem. Nec nos nec balliui n'ri capiem' alienū boscū ad cast' ut alia Agenda nostra nisi p voluntatē ipius cui' boscus ille fu'it. Nos non tenebim' f'ras illoz qui conuicti fu'int de feloniam n' p vnū annū & vnū diem & tūc reddant' f're d'nis feodoz. Et omēs Kydelli deponant' de cēfo p totam Auenlith & p totam hyēm nisi p costeram maris. Breue quod vocat' βcipe de cēfo non fuit alicui de aliquo tenemento vnde liber amit'fe possit curiam suam. Vna mensura vini sit p totum regnum n'rm & vna mensura c'uisie & vna mensura bladi scilz q'r'fū Dubliū, & vna latitudo pannoꝝ tinctoꝝ Russettoꝝ haubergettoꝝ scilz due ulne infra listas. De ponderibz autē sit ut de mensur'. Nichil det' de cēfo p f'ri Inq'siōis de vita ut membris sz g'tis concedat' & non neget'. Si aliq's teneat de nob' p feodi firmam ut socagium ut p burgagiū & de alio teneat f'ram p f'uiciū militare n' habebim' custodiam heredis n' f're sue que est de feudo al'ius occasione illius feodi firme ut socagii ut burgagii. Nec habebim' custodiam illius feodi firme ut socagii ut burgagii n' ipa feodi firma debeat f'uiciū militare. Nos non habebim' custodiam alicuius f're ut hedis q'm tenet de alio p f'uiciū militare occasione alicui' pue f'iancie q'm tenet de nob' p f'uiciū reddendi nob' cultellos ut sagittas ut hui' modi.

cause do it himself; and if we bring or send him on an expedition, he shall be quit of [castle] ward for the time he was on the expedition with us.

No sheriff or bailiff of ours or any other shall take horses or carts of any man for making carriage unless he pay the price of old time appointed, that is to say—for a cart for two horses, ten pence a day, and for a cart for three horses, fourteen pence a day. Neither we nor our bailiffs shall take the wood of another for castles or carrying out other our works unless by the will of him to whom the wood belongs.

We will not hold the lands of those who shall be convicted of felony, save for a year and a day, and then the lands shall be restored to the lords of the fees.

Also all weirs shall henceforth be put down through the whole of the Anna Liffey and all Ireland, except by the sea coast.

The writ which is called "precipe" from henceforth shall not be granted to anyone of any tenement whereby a freeman may lose his court.

There shall be one measure of wine throughout our entire kingdom, and one measure of ale, and one measure of corn, that is to say, the quarter of Dublin; and one breadth of dyed cloth, russets and habergets, that is to say, two ells within the lists; and let it be of weights as of measures.

Nothing shall henceforth be given for a Writ of Inquisition of life or limbs, but it shall be freely granted and not denied.

If any hold of us by fee-farm, or by socage or burgage, and he hold land of another by knight service, we shall not have the wardship of the heir, nor of his land, which is of the fee of another, by reason of that fee-farm or socage or burgage; nor shall we have the custody of such fee-farm or socage or burgage, unless the same fee-farm owe knight service. We shall not have the wardship of any heir, or of any land which he holds of another by knight service, by reason of any petty serjeanty which he holds of us by the service of rendering to us knives or arrows or such like.

Purveyance.
Horses and
carts.

Wood.

Lands of
felons.

Weirs.

Writ of
Precipe.

Uniform
measures and
weights.

Writs of
Inquisition.

Wardship of
heirs holding
lands by
divers
services.

Null' balliuns ponat de ceſo aliquem ad legem ſimplici loquela ſine teſtibz fidelibz ad h̄ inductis. Null' liber h̄o capiat' uť in p'ſonet' uť diſſeiſiat' aut utlaget' aut exulet' aut aliq' alio m° deſtruat'. Nec ſup eū ibim' n' ſup eū mitem' n' p legale iudiciū pariū ſuoꝝ uť p legem ꝑre. Nulli vendemus nulli negabim' aut differemus rectum aut iuſticiam. Omnes m̄catoꝝ n' publice antea ꝑhibiti fuerint habeant ſaluū & ſecurū exire de Hybm¹ & venire in Hybm & morari & ire p Hybm tam p ꝑras q'm p aquas ad emend & vendend' ſine omnibz malis toltis p antiq's & rectas conſuetudines ꝑterq'm in tempe guerre. Et ſi ſint de ꝑra cont' nos guerrina & ſi tales inueniant' in ꝑra n̄ra in p'ncipio guerre attachient' ſine dampno corpoꝝ uť rerū don' ſciat' a nob' uť a capitali Juſtiċ n̄ro q'modo m̄catoꝝ ꝑre n̄re t'ctentur q' tūc inuenient' in ꝑra cont' nos guerrina. Et ſi n̄ri ſalui ſint ibi alii ſalui ſint in ꝑra n̄ra. Si quis tenuit de aliqua eſchaeta ſicut de honore Walingford Nottingham Boloñ Lancaſꝑe uel aliis eſchaetis q' ſunt in manu n̄ra & ſunt baronie & obierit heres eius nō det aliud releuiū nec faciat nob' aliud ſuiciū q'm faceret baroni, ſi ꝑra illa eſſet in manu baronis; & nos eodem m° eā tenebim' quo baro eam tenuit. Homines qui manent ext' a forestam nō veniant de ceſo coram Juſticiaꝝ n̄ris de foresta p cōmunes ſūmoniċones n' ſint in placito uť ꝑgii alicui' vť aliquoꝝ qui attachiati ſint p foresta. Omnes homines q' fundauēnt Abbacias vnde habent cartas Regū Angl' uť antiq' tenuram habeant eaꝝ cuſtodiam cū vacu'int ſicut h̄re debent & ſicut ſup' declaratū.

¹ So in MS.

No bailiff shall henceforth put any man to law upon a simple statement, without trustworthy witnesses brought in for the same. Witnesses required.

No freeman shall be taken or imprisoned or disseised or outlawed or exiled, or in any otherwise destroyed; nor will we pass upon him nor send upon him but by the lawful judgment of his peers or by the law of the land. We will sell to no man, we will deny to no man, or delay, right or justice. No freeman to be imprisoned, &c., but by the law of the land.

All merchants, unless they were before publicly prohibited, shall have safe and secure [conduct] to depart from Ireland, and come into Ireland, and to tarry in and go through Ireland, as well by land as by water, to buy and sell, without all the evil extortions, by the old and rightful customs, except in time of war. And if they be of a land in a state of war against us, and if such are found in our land in the beginning of the war, they shall be attached without harm of bodies or goods, until it be known by us or our Chief Justiciar how the merchants of our land are treated, who then shall be found in the land in a state of war against us. And if ours be safe there, the others shall be safe in our land. Freedom of trading for merchants.
Save in time of war.

If any hold of any escheat, as of the honor of Wallingford, Nottingham, Boulogne, Lancaster, or any other escheats which are in our hand, and are baronies, and die, his heir shall not give any other relief nor render to us other service than he should do to the Baron if that land were in the hand of the Baron; and we in the same way will hold it as the Baron held it. Service of an heir holding of an escheat.

Men that dwell out of the forest from henceforth shall not come before our justices of the Forest by common summons, unless they be impleaded or be sureties for some person or persons who were attached for the forest. Forest.

All men who have founded abbeys, for which they have charters of the Kings of England or ancient tenure, shall have the custody of them when they become vacant, as they ought to have, and as is above declared. Custody of vacant abbeys.

Omnes foreste que afforestate sunt tempe J: Regis pat'is nri statim deafforestent' & Ita fiat de ripariis que p eundem J. tempore suo posite sunt in defenso. Nullus capiat' ut imp'sonet' p'p' appellū femine de morte al'ius q'm viri sui. Omnes autē istas cōsuetudines βdčas & libertates quas concessim' in regno nro tenendas q'ntū ad nos ptinet erga nros, omnes de regno nostro tam clerici q'm laici conseruēt q'ntū ad se ptinet erga suos. Quia vero quedam capiūla in p'ori carta continebant' que grauia & dubitabilia uidebant' scilz de scutagiis & auxiliis assidendis, De debitis Judeoz & alioz & de libertate exeundi de regno nro & redeundi in regnū nrm, De forestis & forestariis, De Warenis & Warenariis, de consuetudinibz comitatuū, Et de Ripariis & eaz custodibz placuit sup' d'cis βlatis & magnatibz ea esse in respectu q'usq' plenius consilium habuerim' & tūc faciemus plenissime tam de hiis q'm de aliis que occurrerint emendenda id qd ad cōmunē omniū vtilitatem ptinu'it & pacem & statū nrm & regni nri. Quia vero sigillum nondū habuimus βsentem cartam sigillis venerabilis pat'is nri d'ni Guale t' sc'i Martini βsbifi Cardinat' apostolice sedis legati, Et Wilh'i Marescalli Comitis Pembrok Rectoris nri & regni nri fecim' sigillari. Testibz omibz βnotatis & aliis multis. Datū p man' βdcoz d'ni legati & Wilh'i Marscalli apud Bristol' duodecimo die Nouemb' regni nri Anno p'mo.

All forests which were afforested in the time of King John, our father, shall be immediately disafforested; and so let it be done in the case of rivers which were placed in defence by the Rivers. ^{Disafforestation.}
said John in his time.

No one shall be taken or imprisoned on account of the appeal of a woman for the death of any other than her husband. ^{Appeal for death.}

And all those customs and liberties, aforesaid, which we have granted to be held in our kingdom, as far as to us appertains towards our men, everyone in our realm, as well clergy as laymen, shall observe, as far as appertains to them, towards their men.

Inasmuch, however, as certain chapters were contained in the former charter which seemed grievous and doubtful, that is to say, about assessing scutages and aids, as to debts of Jews and others, and liberty of leaving our kingdom and returning to our kingdom, as to forests and foresters, warrens and warreners, about customs of counties, and rivers and their keepers, it seemed good to the aforesaid prelates and magnates that these should be held over until we should have had fuller counsel, and then we shall, in the fullest manner, as well with regard to these things as to others which happen to require amendment, do what pertains to the common utility of all and the peace and good estate of us and our kingdom. ^{Postponement of certain articles.}

And because we have not yet a seal, we have caused this present charter to be sealed with the seals of our venerable father, the lord Gualo, cardinal priest by the title of St. Martin, legate of the Apostolic See, and of William Marescal, earl of Pembroke, governor of us and of our kingdom. Witness all the aforesaid and many others.

Given by the hands of the aforesaid Lord Legate and William Marescal, at Bristol, the twelfth day of November, in the first year of our reign.

6 HENRY III. A.D. 1222.

[CLOSE ROLL (ENGL.) 6 HENRY III. m. 10].¹

Pleas of
bounds in
Ireland as in
England.

IRELAND.} The King to the said Archbishop [Henry de Loundres, Archbishop of Dublin], greeting. We have been given to understand that pleas which are moved in Ireland by writ of making of bounds are dealt with otherwise than in our kingdom of England, insomuch that they against whom such writs are obtained in Ireland sometimes, as is said, lose seisin of their lands by the sole verdict of those by whom the bounds are made, as if they were perambulators, no defence which they offer helping them, which is manifestly contrary to the custom of our realm of England, because he against whom a writ of bounds is obtained in England may have the defence of the duel and otherwise, as if a plea had been moved against him by writ of right. Wherefore we command you that henceforth you cause pleas of bounds in Ireland to be held and dealt with as they are wont to be held and dealt with in our kingdom of England, as you well know that the laws of our land of Ireland and of England are and ought to be the same. Witness H[ubert] de Burgo, our Justiciar, at Westminster, the 17th day of May, in the 6th year of our reign.

Laws of both
countries are
and ought to
be the same.

6 HENRY III. A.D. 1222.

[PATENT ROLL (ENGL.). 6 HENRY III. m. 2].²

Limitation of
Writs of *mort
d'ancestor* as
in England.

IRELAND} : The King to the Archbishop of Dublin and his Justiciar of Ireland, greeting. At the petition of you and of our magnates of Ireland, we have granted and we will that a change of the limit which is usually written in writs of *mort d'ancestor* be henceforth made in Ireland, as is appointed in England, that is to say, that in place of this clause "after the first coronation of King Henry our grandfather" it be written thus, "after the first coronation of King Richard our uncle." And therefore we command you that henceforth you

¹ The text is printed in *Rot. Lit. Claus. in turri Lond.*, 1204-1224, p. 497.

² The text is printed in *Patent Rolls 1216-1225* (P.R.O. series), p. 336.

cause such writs to be made in this form, saving however the process of the recognitions and pleas which have been moved under the first form. And this we notify to the archbishops, bishops, abbots, priors, earls, barons, knights, free tenants, and all persons of our realm of Ireland.

In witness whereof we send you these our letters patent; witness H[ubert] &c. at the Tower of London, the 18th day of July in the sixth year of our reign; by the same.

10 HENRY III. A.D. 1226.

[PATENT ROLL (ENGL.) 10 HENRY III., m. 4.]¹

IRELAND}. The King to his beloved and faithful G[eo]ffrey de Marisco, Justiciar of Ireland, greeting. We command you that you keep and cause to be kept the laws and customs of our land of England in our land of Ireland, as the lord King John our father enjoined them to be kept when he was last in that land. In witness whereof, &c. Witness myself at Windsor, the 29th day of June.

Laws and customs of England to be kept in Ireland.

11 HENRY III. A.D., 1226.

STATUTE OF IRELAND—OF LANDS GIVEN IN FREE MARRIAGE.²

WHEN anyone shall have taken land in marriage with a wife, if he have begotten of his said wife an heir, be it son or daughter, who shall be heard to cry within four walls, if the said husband survive his wife, whether the heir live or not, that [land in] marriage shall remain [to him] for life, and after his death shall revert to the donor or to his heir. But if he have no heir by his wife,

Who shall be tenant by the curtesy.

¹ The text is printed in *Patent Rolls* 1225–1232 (P.R.O. series) p. 48.

² Entitled "Statutum de Hibernia de terra data in liberum maritagium," in *Harleian MS.* (Brit. Mus.), No. 1807, fo. 248. The text taken from *MS. Lansd.*, 480, fo. 188 b., which is entitled "Statutum de tenentibus per legem Anglie," is printed in *Statutes of the Realm*, I. 220, among those of uncertain date. By a writ enrolled in *Pat. Rot.* (Engl.) 11 Henry III. (see *Patent Rolls* 1225–1232, P.R.O. series, p. 96), this law and custom were to be of force in Ireland. See also *Blackstone's Com.*, Book II., ch. 8.

then after the death of the wife, it shall revert to the donor or to his heir. And this is the cause wherefore [for land given] in marriage, homage is not wont to be received; for if any land were so given in marriage, or otherwise that homage were received, then it might never lawfully revert to the donor or his heirs as is aforesaid. And the same judgment shall be of the second husband as is said of the first, whether there be left any heir of the first or not.

12 HENRY III. A.D. 1227.

[COTTON MS. JULIUS D. II.,
f. 143 b. BRITISH MUSEUM.]

H. di grā Rex anglie,
Dñs hibernie dux
Normann et Aquitanie
Comes Andeg, Archieps, Episc,
Abbatibz, Comitibz,
Baronibz, Militibz, libe ten-
entibz, et omibz Ballivis et
fidelibz suis toti' hibernie
Salutē. Qm volum' scdm
q̄suetudinē regni nri Anglie
singulis q̄rentibz de injuria
in regno nro Hibernie Justiciam
exhibi; for' m bñū de cursu
quibz id fi solet p̄senti sc̄pto
duxim' inserend et ad vos
t'nsmittend ut p ea que ad
casus certos et nominatos in
sc̄pto isto Justicia in' vos
p bñe et sigillū Justic nri
Hibernie teneat'. Teste me
ip̄o apud Cant Decimo die
Novembris Anno r' nri xij,º et c.

H[ENRY] by the grace
of God, King of
England, lord of Ireland, duke
of Normandy and Aquitaine,
count of Anjou, to the arch-
bishops, bishops, abbots, earls,
barons, knights, free tenants
and all his bailiffs and faith-
ful people of all Ireland,
greeting. Whereas we will
that justice should be ex-
hibited to those who complain
of injury in our realm of
Ireland, according to the
custom of our realm of
England, we have thought fit
that the form of writs of
course by which that is wont
to be done should be inserted
in this present writing and
transmitted to you, so that by
those which [apply] to the
particular cases, and are
named in this writing, justice,
by writ and seal of our
Justiciar of Ireland, may be
maintained among you. Wit-
ness myself at Canterbury,
the tenth day of November in
the twelfth year of our reign.

Here follows a Schedule of the Writs.¹

¹ For a detailed notice of them, see History of the Register of Original Writs. by Professor F. W. Maitland. (*Harvard Law Review*, Oct., 1889, Vol. III., No. 3).

12 HENRY III. A.D. 1228.

[CLOSE ROLL (ENGL.) 12 HENRY III. m. 8.]

DE legibz et cōsuetud
observandis ī Hibñ.}
ex eidē Rič. Mandam⁹ voḡ
niſ ꝑcipiētes q̄tin⁹ 8to die et
eo faciatis venire corā voḡ
chieḡos, eḡos, abbēs, p̄iores,
mites et barones, milites et
se tenētes et balliōs singlōz
mitatūū et corā eis publice
gi faciatis cartā dñi J. R. pris
i cui sigillū suū appensū est,
iā fi feč et jurari a magna
bz Hibñ de legibz et cōsuetu
nibz Angl obſvand ī Hibñ.
t ꝑcipiatis eis ex pte nra qd
ges illas et cōsuetudies in
urta ꝑdča qtentas deceto
miſ teneāt et obſvēt, et hoc
lē ꝑ singlōs comitat⁹ Hibñ
lamari faciatis et tēfi, ꝑhibētes
imil ex pte nra et sup
orisfcurā nram ne quis cōt⁹
oc mandatū nrm venire
sumat, eo excepto, qd n⁹ de
orte n⁹ de catallis Hibñensiū
ccisoꝝ nich statuat⁹ ex pte

OF laws and customs to be King John's
observed in Ireland.} Charter as to
The King to the said Richard observance of
[de Burgh, Justiciar of Ire- English laws
land]. We command you, and customs
firmly enjoining that on a in Ireland to
certain day and at a certain be observed.
place you cause to come
before you the archbishops;
bishops, abbots, priors, earls,
and barons, knights, and free
tenants and bailiffs of the
several counties, and before
them cause to be publicly
read the charter of the lord
King John our father, to
which his seal was appended,
which he caused to be made
and to be sworn to by the
magnates of Ireland, concern
ing the observance of the laws
and customs of England in
Ireland; and enjoin them on
our behalf that those laws and
customs in the said charter
contained they henceforth
firmly keep and observe, and
cause this [ordinance] to be
proclaimed and kept through- Proclamation
out the several counties of of this
Ireland, firmly forbidding ordinance.
on our behalf and upon forfei
ture to us, that anyone should
presume to contravene this

Respite to Michaelmas as to death and chattels of Irishmen slain.

ñra cit^a q'ndecim dies a die Sçi Mich anno ř ñ xij^o, sup quo respectū dedim⁹ magnatibz ñris Hibñ usq³ fminū ðdēm. T. ut sup^a.

[i.e., 'T. me ipso apđ Westm. viij. die Maii, anno xij^o.']

our mandate, excepting that of the death or of the chattels of Irishmen slain, nothing be decided on our behalf before the quinzaine of Michaelmas in the twelfth year of our reign, upon which point we have given respite to our magnates of Ireland until the said term. Witness as above [i.e. witness myself at Westminster the 8th day of May, in the twelfth year].

18 HENRY III. A.D. 1233.

[PATENT ROLL (ENGL.) 18 HENRY III. m. 17.]

HIBN. de placitis laici feodi & advoc ecclia^z. }
 Rex com, bar, militibz & libis hoibz & oibz aliis de Fra Hibnie, salutem. Quia manifeste esse dinoscitur quod coronam & dignitatem nostram & consuetudinem & leges regni nostri Angli quas bone memorie dominus J. rex pater noster de communi consensu Hibnie consensu Teneri statuit in Fra illa quod placita teneantur in curia Christiani de advocatibus eccliarum & capellanarum vel de laico feodo vel de catallis que non sunt de testamento

IRELAND—Of pleas of lay fee and advowsons of churches. The King to the earls, barons, knights, and free men and all others of the land of Ireland, greeting. Whereas it is clearly discerned to be contrary to our crown and dignity and the customs and laws of our realm of England, which the lord King John our father, of happy memory, with the common consent of all men of Ireland, ordained to be kept in that land, that pleas should be held in a court Christian concerning advowsons of churches and chapels or of lay fee or of chattels, which are

mat¹monio; voß mandam⁹ phibentes q¹tinus h¹i p¹t i cu¹ Xpian¹ nullaten⁹ Seq¹ p¹sumatis i manifestu dignitatis ⁊ corone n¹re p¹judiciu Scit¹i p¹ d¹to q¹d si fecitis dedim⁹ i mandatis justic¹ n¹ro Hib¹n statuta cu¹ n¹ri i Ang¹t q¹ t¹ns¹g¹ssores h¹o mand¹ n¹ri cu¹ justicia pcedat ⁊ q¹d n¹rm est exeq¹t¹r. In c¹o ⁊ c¹, T. ut s¹. [i.e., T. R. ap¹ Winchecuth, xxviiij. die Oct¹ a. r. n. xviiij^o.]

Et mand¹ est arch¹ e¹pis abbtib¹z priorib¹z archid¹ decanis ⁊ oib¹z p¹latis ⁊ psonis ecclias-
ticiis q¹d h¹i p¹t i cu¹ Xpian¹ te¹lle nō p¹sumāt.

Et mand¹ est justic¹ Hib¹n p¹ li¹ras et q¹d p¹d¹cas li¹ras pat¹ publice legi ⁊ t¹elli fa¹c.

not connected with testamen-
tary or matrimonial matters,
we forbidding that you should
presume in anywise to sue
such plea in a court Christian,
to the manifest prejudice
of our dignity and crown,
command you that it be pro-
claimed for certain, that if you
do so, we have given it in
command to our Justiciar of
Ireland [that according to] the
statutes of our court in Eng-
land he should justly proceed
against transgressors of this
our mandate and execute what
belongs to us. In witness,
&c., witness as above [i.e.,
witness the King at Winch-
combe the 28th day of October,
in the 18th year of our reign].

Pleas of lay
fee and
advowson of
churches not
to be pleaded
in a court
Christian.

And it was commanded to
the archbishops, bishops,
abbots, priors, archdeacons,
deans, and all prelates and
ecclesiastical persons that they
presume not to hold such pleas
in a court Christian.

And it was commanded to
the Justiciar of Ireland by
letters close that he cause
the said letters patent to be
publicly read and kept.

19 HENRY III. A.D. 1234.

[CLOSE ROLL (ENGL.) 19 HENRY III. m. 23 d.]

The Writ as
to making of
bounds to run
in Ireland as
in England.

HYBN. de divisis fač i
Hybñ. } Rex eidē
justiē salī. Quia datū est
nob̄ inilligi qđ justicia quo
ad divisas faciendas in l̄ ras
div̄saꝝ villaꝝ in l̄ ra n̄ra Hibñ
nimis progar' e dāpnū ex eo
sepi' qtingit eo qđ bre n̄m
de divisis faciendis nō currit
in ptibꝫ βd̄cis, voḡ mandam'
qđ bre illud de celo ibidē
currere faciatis in forma qua
currit in l̄ ra n̄ra Angl. Ut
aut de forma ip̄ius b̄ris pleni'
ctioremini ip̄am litt̄is n̄ris pat̄
duxim' inserendā e voḡ trans-
mittendā.

Dñs rex mittit ei formā
litt̄aꝝ de diviḡ faciendis eč.

[Bracketed with other
entries under the following
date :—'T. R. aḡ S̄cm Albañ
xxvij die Noṽ.']

IRELAND. Of the mak-
ing of bounds in Ireland. }
The King to the said
Justiciar [Maurice FitzGerald,
Justiciar of Ireland] greeting.
Whereas we have been given
to understand that as regards
the making of bounds between
the lands of divers vills in our
land of Ireland, justice is too
much delayed and injury often
happens from this cause, that
our writ of the making of
bounds does not run in the
parts aforesaid, we command
you that you cause that writ
to run therein henceforth in
the form in which it runs in
our land of England. In
order however that you may
be more fully informed of the
form of the said writ, we have
thought fit to insert it in our
letters patent and to transmit
it to you.

The lord the King also
sends to him the form of
letters concerning the making
of bounds, &c.

[Witness the King at St.
Albans the 27th day of
November.]

20 HENRY III. A.D. 1236.

THE PROVISIONS OF MERTON.¹

It was provided in the court of our lord the King, holden at Merton on Wednesday the morrow of the feast of St. Vincent, the 20th year of the reign of King Henry the son of King John, before [Edmund] Archbishop of Canterbury, and [his bishops suffragan] and before the greater part of the Earls and Barons of England being there assembled for the coronation of the said King and Alianor the Queen, for which they all were called; when it had been treated for the commonweal of the realm, upon the articles underwritten, it was thus provided and granted as well by the aforesaid Archbishop, Bishops, Earls and Barons, as by the King himself and others.

I. First, of widows who after the death of their husbands are deforced of their dowers, and cannot have their dowers or quarentine without plea, whosoever deforce them of their dowers or quarentine of the lands, whereof their husbands died seised, and that the said widows after shall recover by plea, they that are convicted of such wrongful deforcement shall yield damages to the said widows; that is to say, the value of the whole dower to them belonging, from the time of the death of their husbands unto the day that the said widows, by judgment of court, have recovered seisin thereof; and the deforcers nevertheless shall be amerced at the King's pleasure.

Damages to widow on writ of Dower.

II. Also, from henceforth all widows may bequeath the corn of their ground, as well of their dowers as of other their lands and tenements, saving to the lords [of the fee] the services which are due for their dowers and other tenements.

Widows may bequeath corn of their lands.

III. Also, if any be disseised of their freehold, and before the Justices in Eyre have recovered seisin by assise of novel disseisin, or by confession of them who did the disseisin, and the disseisee has had his seisin by the sheriff; if the said disseisors afterwards after the eyre of the Justices, have disseised the same plaintiff again of the same freehold, and thereof are convicted, they shall be forthwith taken and kept in the King's prison until they shall be discharged by the lord the King, by fine or by some other means. And this is the form how such convicted persons ought to be punished, that is to say, when the plaintiffs come to court they shall have the lord the King's writ directed to the sheriff, in which shall be contained the narration of disseisin done upon disseisin: and so it shall be commanded to the sheriff, that he, taking with him the keepers of the pleas of the crown, and other lawful knights, in his proper person shall go to that tenement or pasture, whereof the plaint has been made, and before them, by the first jurors and other neighbours and lawful men, shall make diligent inquisition thereof; and if he find him disseised again, as is aforesaid, then let him do according to the provision aforementioned; but if not, then the plaintiff shall be amerced [by the King] and the other go quit; neither ought the sheriff to prosecute such plaint without special precept of the lord the King. In the same manner it shall be done to them who shall have recovered seisin by assise of *mort d'ancestor*; and so shall it be of all lands and tenements recovered in the King's Court by inquests, if afterwards they be disseised by the first deforcers, against whom they have recovered in anywise by inquest.

Enquiry and punishment in Redisseisin.

¹ Text taken from MS. (Brit. Mus.) Cott. Claud. D., II., fo. 142, is printed in *Statutes of the Realm*, I. p. 1.

Common of
pasture by
freeholders
within great
manors.

IV. Also, inasmuch as many great men of England, who have enfeoffed knights and their freeholders of small tenements in their great manors, have complained that they cannot make their profit of the residue of their manors, as of wastes, woods, and pastures, while the same feoffees have sufficient pasture, as much as belongs to their tenements; it is thus provided and granted, that what persons so enfeoffed bring assise of novel disseisin for their common of pasture, and it is recognized before the justices, that they have as much pasture as suffices for their tenements, and that they have free ingress and egress from their tenements unto their pasture, then let them be contented therewith; and they of whom they had complained shall go quit of that which they have made their profit of the lands, wastes, woods, and pastures; and if they allege that they have not sufficient pasture, or sufficient ingress and egress as appertains to their tenements, then let the truth be inquired by assise; and if it be recognized by the assise, that their ingress or egress were in any way hindered by the same [deforcens] or that they had not sufficient pasture and sufficient ingress and egress, as is aforesaid, then shall they recover their seisin by view of the jurors: so that by their discretion and oath, the plaintiffs shall have sufficient pasture, and sufficient ingress and egress in form aforesaid; and the disseisors shall be amerced by the King, and shall yield damages, as they ought to have rendered before this provision. And if it be recognized by the assise, that the plaintiffs have sufficient pasture with free and sufficient ingress and egress as is aforesaid, then the others may make their profit lawfully of the residue, and go quit of that assise.

Usury shall
not run
against
minors.

V. Likewise, it is provided and granted by the lord the King, that from henceforth usuries shall not run against any under age, from the time of the death of his ancestor, whose heir he is, unto his lawful age; so nevertheless, that payment of the principal debt, together with the usury before the death of his ancestor, whose heir he is, remain not [unpaid] by reason of this.

Penalties for
ravishment,
&c., of a Ward;
forfeiture of
marriage;

VI. Of heirs abducted or detained by force [or married¹] by their kindred, or by others, it is thus provided: that whatsoever layman be convicted of this, that he has so detained, abducted, or married any child, he shall yield to the loser the value of the marriage; and for the offence his body shall be taken and imprisoned until he have recompensed the loser, if the child be married; and further, until he have satisfied the lord the King for the trespass; and this shall be done of an heir under the age of fourteen years. And touching an heir being fourteen years old or above, unto full age, if he marry without licence of his Lord to defraud him of the marriage, and his Lord offer him reasonable marriage, without disparagement, then his Lord may hold his land beyond the term of his age, that is to say, of one and twenty years, for such time as he may receive thereout double the value of the marriage according to the estimate of lawful men, or according to what had been offered him before for the said marriage without fraud and collusion, and according to what may be proved in the King's Court. And as touching Lords, who have married those that they have in ward to villeins, or others, as burgesses, where they be disparaged, if any such heir be under the age of fourteen years, and of such age that he cannot consent, then, if his kindred complain, the Lord shall lose the wardship, up to the legal age of the heir; and all the profit that thereof shall have been taken, shall be converted to the use of the heir being under age, according to the disposition and provision of his kindred, for the disgrace done to him; but if he be fourteen years and above, so that he might consent, and shall have consented to such marriage, no penalty shall follow.

and disparage-
ment of a
Ward in
marriage.

¹ Several MSS. insert "seu maritatis" here.

VII. If an heir, of what age soever he be, will not marry at the request of his Lord, he shall not be compelled thereunto; but when he shall a Ward shall have come to full age, he shall give to his Lord, and pay him as much as pay to his lord any would have given him for the marriage, before he receive his land; the value of and that whether he will marry himself, or not; for the marriage of him his marriage. who is under age of mere right appertains to the Lord of the fee.

VIII. Touching the narration of descent in a writ of right from an Limitation of ancestor from the time of King Henry the elder, the year and day [on writs. which he died], it is provided, that from henceforth it be not made of so long time, but from the time of King Henry our grandfather; and this provision shall take effect at Pentecost, the one and twentieth year [of our reign,] and not before, and the writs before purchased shall proceed; writs of *mort d'ancestor*, of natives, and of entry, shall not go beyond the last return of King John [from Ireland] into England; writs of novel disseisin shall not go beyond the first voyage of our lord the King that now is, into Gascony¹; and this provision shall take effect from the time aforesaid, and writs purchased before shall proceed.

IX. To the King's writ of bastardy, whether one born before One born wedlock may have his inheritance in like manner as he that is born after, before all the Bishops answered that they would not, and could not answer to it; marriage of because it was against the common order of the Church. And all the parents a Bishops requested the Magnates to consent that such as were born before bastard. wedlock should be legitimate, as well as they that are born after wedlock, as to the succession of inheritance, forasmuch as the Church holds such as legitimate. And all the Earls and Barons with one voice answered, that they would not change the laws of England, which hitherto have been used and approved.

X. It is provided and granted, that every freeman, who owes suit to Attornies in the County, Trything, Hundred, and Wapentake, or to the court of his several courts. Lord, may freely make his attorney to do those suits for him.

XI. Concerning trespassers in parks and vivaries it was not decided; Trespassers because the Lords demanded their own prison of such as they should take in parks. in their parks and vivaries, which the lord the King denied; wherefore it was deferred.

CLOSE ROLL (ENGL.) 20 HEN. III. m. 13 d.

The Constitutions made at Merton above enrolled, namely on the 8th day of February, were sealed with the seal of the lord the King [and] transmitted into Ireland to run in those parts and to be observed as in England, and of this mention is made in the writ directed to the Justiciar of Ireland within enrolled.

The King to his beloved and faithful M[aurice] FitzGerald, his Justiciar of Ireland, greeting. The bearer of these presents showed to us that whereas he lately in our Court before our justices for this purpose lately by you constituted in Ireland, recovered his seisin, against a certain man, of his free tenement, his said adversary afterwards again disseised him of the same tenement, and accordingly, we send you under our seal, the

¹ Six other MSS. read "Brittany" here.

² The particular case presented to the King by George Desaffuble on behalf of Luke, Archbishop of Dublin, and Maurice FitzGerald, Justiciar of Ireland, was one regarding persons born before and after wedlock. (See cap. IX.)

Constitution lately in such case made before us and our magnates of England, and also other articles for the improvement of our realm, commanding that with the advice of the venerable father L[uke] archbishop of Dublin, you cause that Constitution to be read and from henceforth strictly observed in our Court in Ireland, and that you cause full justice to be administered to the said complainant according to the same.

Witness the King as above [i.e. at Mortlake, 9th May].¹

20 HENRY III., A.D. 1236.

THE STATUTE OF IRELAND.

CONCERNING COPARCENERS.²

HENRY, by the grace of God, King of England, &c. To his beloved and trusty M[aurice] FitzGerald, his Justiciar of Ireland, greeting.

Certificate
of the law of
England as
to lands
descending to
co-parceners.

The King's
lands.

Lands held of
others.

The eldest
daughter
shall not have
homage of the
others.

Whereas certain Knights from your parts of Ireland lately coming to us, have informed us that when an inheritance devolves on sisters in our kingdom of Ireland, our justices in eyre in those parts are in doubt whether younger sisters ought to hold of the eldest sister, and do homage unto her for their portions, or of the chief lord and do homage unto him; and forasmuch as the said Knights have requested that it be certified by us how it has been used heretofore in our kingdom of England in like case; at their instance, We make known to you that in our kingdom of England the law and custom in such case always was, that if any hold of us in chief and have daughters as heirs, on the death of the father our ancestors and We have always had homage of all the daughters, and each of them in this case holds of us in chief, and if they were under age We have had the ward and marriage of them. But if he hold of any other than of us, and the sisters be under age, the lord shall have the ward and marriage of them all, and the eldest only shall do homage to the lord for all the sisters, and when the other sisters come to age they shall do services to the lords of the fee by the hands of the eldest, nor can the eldest by this occasion seek from her younger sisters homage or ward or any other mark of subjection, and for this reason; that whereas all are sisters, as one heir of one inheritance, if the eldest should have homage of the other sisters and wardship, then the same inheritance would be divided, so that the eldest sister would become altogether and at once seignores and heir of the one inheritance, that is to say, heir of her own part and seignores of her sisters, which in this case could not happen, inasmuch as the eldest can demand no more than the youngest, save the chief messuage, by reason of esneey; and moreover since the eldest is heir of all the other sisters if they should die without an heir of their own, if she could have the wardship of her sisters or their children, this would be (as it were) to commit the lamb to the wolf to be devoured. And therefore we command you that the aforesaid customs in this behalf, which we hold in our realm of England according to what is aforesaid, you cause to be proclaimed and strictly observed in our realm of Ireland. Witness the King at Nottingham, the 30th day of August.

¹ The Provisions of Merton were re-enacted for Ireland by Statute in a parliament held in Dublin, 13 Edward II., cap. 2.

² Text taken from Close Roll (Eng.) 20 Hen. III. m. 4d., is printed in *Statutes of the Realm*, I. p. 5.

21 HENRY III. A.D. 1236.

[PATENT ROLL (ENGL.) 21 HENRY III. m. 10.]

DE pvisione novoꝝ bñum. }
 Rex archiepiſ, epiſ, abbtiſ, prioribz, coñbz baſ, militibz & omibz libe tenentibz in Hiſnia conſtitutis ſalũ. Sciatis qđ in pſencia veñ priſ E. Can̄ archiepi Epoꝝ abtẽm comitũ & baſ de regno Angl̄ & de cõĩ qũlio eorundẽ magnatũ nup pviſũ fuit qđ quedã bñia nra de cursu mutant in articlis ſubſcriptis, vid̄ iu narracone deſcens⁹ ab añceſſoribz in bñi de recto q̄ p̄ius fi ſolet a tempe H. regis ſenis anno & die quo obiit; pviſũ eſt qđ deſcẽto nō fiat compuĩto a tam longinq⁹ tempe, ſet a tempe regis, H. avi nri. Bñia mortis añceſſ & bñia de nativis quoꝝ p̄min⁹ prius fuit p⁹ p̄mam coſ R. reḡ aũñci nri; deſcẽto nō excedãt ultimũ reditũ dñi J. regis priſ nri de Hybñ in Angl̄. Bñia vero

OF the provision of new ^{Limitation of} Writs. The King to ^{Writs in} the archbishops, bishops, abbots, priors, earls, barons, knights, and all free tenants in Ireland, greeting. Know ye that in the presence of the venerable father E[dmund] archbishop of Canterbury, the bishops, abbots, earls, and barons of our realm of England, and with the common counsel of the said magnates, it was lately provided that certain of our writs of course should be changed in the points underwritten, that is to say, in the narration of descent from ancestors in the writ of right, which formerly was wont to be made from the time of King Henry the elder, the year and day on which he died, it is provided that henceforth the reckoning shall not be made from so distant a time, but from the time of King Henry our grandfather; writs of ^{Mort} *mort d'ancestor* and writs of ^{d'ancestor, &c.} *villeins*, whereof the limit was formerly after the first coronation of King Richard our uncle, shall henceforth not go beyond the last return of the lord King John, our father, from Ireland into ^{Novel} *England*; and writs of ^{disseisin.} *novel disseisin*.

nove disseisine quoz fmin' p'us fuit p' p'mā coŕ nram aſ Westm̃; de ceſo nō excedāt t'nsfretačom nram in Britannā q̃ fuit p'mo die Maii, anno r̃ ñ xliij°, & fiat sic fmin' p' t'nsfretačom nram in Britañ. Sic autē int̃lligenda est p'visio ſd̃ca; q̃d q̃ſtīco iſta locū h̃at & vigorem ad Pentecosten ā r̃ ñ xxj° & nō ante, & b̃ria p'us impet'ata ſub fminis p'oribz pcedāt. Qm̃ igit' volum' q̃d eed̃ leges & q̃ſuetudies q̃ obſvant' in regno nro Angl teneant' in Hyb̃n mandavim' juſtič nro Hyb̃nie q̃d p'viſionē ſd̃cam p totā baſhiā ſuā clamari & firmi' in Hib̃n teneri fač, & hoc voſ ſignificam' ut de p'viſione ſd̃ca voſ ſtificem', & q̃ntū in voſ eſt eā teneatis. T. R aſ Westm̃, ut ſ°. [i.e., 'T. R aſ Westm̃, xx. die Marcii.']

Proclamation
thereof.

disseisin, whereof the limit was formerly after our first coronation at Westminster, shall henceforth not go beyond our crossing into Brittany which was on the first day of May, in the fourteenth year of our reign, and the limit shall be made thus, after our crossing into Brittany. The said provision however is to be so understood that this ordinance shall have place and force at Pentecost in the twenty-first year of our reign and not before, and writs purchased previously under the former limits shall proceed; Since therefore we will that the same laws and customs which are observed in our realm of England, be kept in Ireland, we have commanded our Justiciar of Ireland that he cause the said provision to be proclaimed throughout the whole of his jurisdiction and to be strictly kept in Ireland, and this we notify to you that we may certify you of the said provision, and as far as in you lies, you may keep the same.

Witness the King at Westminster as above [i.e. witness the King at Westminster the twentieth day of March].

21 HENRY III. A.D. 1237.

[CLOSE ROLL (ENGL.) 21 HENRY III. m. 2.]

HIBN. de Natis añ
 ñrimoniū.) Rex justic
 suo Hibñ salū. Significam'
 voñ siñ alias significavim' qđ
 si nat' añ ñrimoniū cui
 movet' questio cognoscat se
 ēe natū añ ñrimōium; n'
 petere potest heditatē n'
 petita retifē scđm cōsuetudinē
 Angl, n' tat si dicat se natū
 ēe post nō est mittendus ad
 cuñ Xpianitatis eo qđ cler'
 talē hñ p legitimo. Et io
 voñ mandamus q'tin' scđm qđ
 pđcñ est i ptibz vñis id fi
 faciat. T. ut s'. [viz., 'T.
 R ap Noting, vj. die Oct.]

IRELAND: Of those born ^{Of those born}
 before wedlock.} The ^{before}
 King to his Justiciar of ^{wedlock.}
 Ireland [Maurice FitzGerald],
 greeting. We notify to you,
 as on another occasion we
 have notified, that if one born
 before wedlock, regarding
 whom question arises, acknow-
 ledge that he was born before
 wedlock, he cannot according
 to the custom of England,
 either sue for an inheritance
 or retain it when recovered,
 nor if such person say he
 was born after wedlock, is
 he to be sent to a court
 Christian, because the clergy
 hold such as legitimate. And
 therefore we command you
 that you cause it to be done
 in your parts according to
 what is aforesaid. Witness as
 above [i.e. witness the King,
 at Nottingham the 6th day of
 October].

21 HENRY III. A.D. 1237.

[CLOSE ROLL (ENGL.) 21 HENRY III., m. 2.]

Writ of
bounda.

HIBN. de tri de divisio. }
 Mand est justic Hibn
 qd si bre R de fonab divisio
 faciendis fuit i usu i Hibn anq^a
 RiCs Duket e Sim de HaH
 q's Rex illuc misit ad itifand
 ad ptes illas venisset e si p
 ipos sn coi assensu magnatu
 Hibn fuit abrogatum e ne
 cursale eet phibitu ; luc p coe
 oosiliu e assensu eoꝝd magnatu
 bdcm bre fac i usu revocari
 e p illud placitari eoꝝd mº quo
 fi cosuevit anq^a ipi RiC e Sim
 i Hibn venissit p pcept R.
 T. ut s^a. [viz., 'T. R. ap
 Noting, vj. die Oct.']

IRELAND : Of the Writ
 of Bounds. } The Jus-
 ticiar of Ireland [Maurice
 FitzGerald] is commanded
 that if the King's writ con-
 cerning the making of reason-
 able bounds were in use in
 Ireland before Richard Duket
 and Simon de Hall, whom the
 King sent thither [as justices]
 in eyre, had come to those
 parts, and if it were abrogated
 by them and forbidden to run
 without the common assent
 of the magnates of Ireland,
 then by the common counsel
 and assent of the said mag-
 nates he should cause the writ
 aforesaid to be recalled into
 use, and pleas to be pleaded
 by it in the same manner in
 which it was accustomed to be
 done, before the said Richard
 and Simon had come into
 Ireland by the King's com-
 mand. Witness as above
 [i.e. Witness the King at
 Nottingham the sixth day of
 October.]

22 HENRY III. A.D. 1238.

[CLOSE ROLL (ENGL.) 22 HENRY III. m. 16 d.]

HYBN. Bře de Bastardo.
 R justic Hybñ salē.
 Sciatis q̄ h est q̄suetudo usitata
 in regno nro Angt q̄ndo
 bastardus aliq̄s morit̄ sine
 herede de se; P̄ra q̄ tenuit
 debet reṽti ad illū de q̄
 bastard⁹ ille tenuit P̄ram illā
 i capite & ut sciatis formā
 brevis nri in casu illo; mittim⁹
 voḅ formā illā lit̄is nris
 inclusā, voḅ mādātes q̄tin⁹
 bre illud usitari faciatis i tali
 casu in P̄ra nra Hybñ, jux^a
 formā illā pvidētes Robto de
 Hyda, & uxori sue justicie
 plenitudinē exhibi. T. R ap̄
 Theok, v. die Ap̄t, anno xxij^o.

IRELAND: Writ as to a Bastard
 Bastard.} The King dying with-
 out an heir.
 to his Justiciar of Ireland
 [Maurice FitzGerald], greet-
 ing. Know ye that this is
 the custom used in our realm
 of England, when a bastard
 dies without heir of his body,
 the land which he held ought
 to revert to him of whom the
 bastard held that land in chief,
 and that you may know the
 form of our writ in that case,
 we send you that form en-
 closed in our letters, com-
 manding you that you cause
 that writ to be used in such
 case in our land of Ireland
 according to that form, pro-
 viding that full justice be
 shown to Robert de Hyda
 and his wife. Witness the
 King at Tewkesbury the 5th
 day of April in the twenty-
 second year.

30 HENRY III., A.D. 1246.

AS TO THE LAWS OF ENGLAND BEING OBSERVED IN IRELAND.¹

The King, &c. Forasmuch as for the common benefit of the land of Laws and
 Ireland and the unity of the King's dominions, the King wills and customs of
 by the Common Council of the King it is provided that all the laws and customs of
 customs which are observed in the kingdom of England should be observed in
 observed in Ireland, and the said land should be subject to the said laws, Ireland.
 and should be ruled by the same, as the lord, King John, when he was last
 in Ireland, ordained and ordered to be done. Forasmuch also as the Writs of
 King wills that all writs of common right which run in England should right.
 likewise run in Ireland under the King's new seal, it is commanded to
 the Archbishops, &c., that for the peace and quiet of the said land they
 permit them to be ruled and governed by the same laws and follow
 them in all things. In witness whereof, &c. Witness the King at
 Woodstock, the 9th day of September.

¹ The text taken from Patent Roll (Engl.) 30 Hen. III. m. 1, is printed in
 Rymer's *Fœdera* I., p. 266.

53 HENRY III. A.D. 1269.

[PLEA ROLL, IRELAND. No. 5.—ROLL OF JUSTICES
ITINERANT. m. 10.]

PROVISŪ ⁊ statutū est de cōsilio dñi R. de Ufford, capital justic Hibñ ⁊ alioꝝ fidelīū dñi E. qui sūt pī¹ de ej⁹ cōsilio ⁊ de cōcensu ōium magnatum ⁊ toci⁹ cōitatī Hibñ q^d una ⁊ eadem mensura cuj⁹libet geſiū bladi una ⁊ eadem lagena una ⁊ eadē pōdera ⁊ una ⁊ eadem ulna sit de ceſo p totam Hibñ siē sūt in civitate london cōstitutā ⁊ appbata. Et q^d aliq^s de ceſo qui aliq^a vina hēat vondīcoi exponenda doliū vini nō vendat nⁱ ad βciū quo potit dī m^a lucri reportare. Et qd aliq^s ſvientū qui bladum recipe debent ⁊ cōsuevunt p pastu suo de ceſo nō recipeant nⁱ mensuram bladi scit q^rteriū london ad duodeci septim. Et si aliq^s ſviens hoc cōtempſit ⁊ ad recipiend negligens fuit bñ liceat dño suo illū p corp^s suū castigare ⁊ imp^sonare.

7 EDWARD I. A.D. 1279.

[RED BOOK OF THE EXCHEQUER, IRELAND, FOL. 96 d.]

Statuta
de viris
Religiosis.

REX Justiciariis suis de Banco salēm. Cum dudum puisum fuisset qd viri Religiosi feoda aliquoꝝ nō ingrederent^r sine licencia ⁊ voluntate capitaliū dñoꝝ de quibz feoda illa immediate tenent^r ⁊ viri Religiosi postmodum nichilomin⁹ tam feoda sua ppria q^a alioꝝ hactenus ingressi sint ea sibi appropriando ⁊ emendo ⁊ aliqñ ex dono alioꝝ recipiendo p quod ſuicia que ex hui⁹modi feodis debent^r ⁊ que ad defensionem

¹ Interlined.

53 HENRY III. A.D. 1269.

UNIFORM WEIGHTS AND MEASURES THROUGHOUT
IRELAND.

IT is provided and enacted by the council of Sir R[obert] de Ufford, Chief Justiciar of Ireland, and other of the faithful people of the lord Edward who are likewise of his council, and with the consent of all the magnates and the entire commonalty of Ireland, that one and the same measure of every kind of corn, one and the same gallon, one and the same weights, and one and the same ell shall be from henceforth throughout all Ireland, as they are appointed and approved in the city of London. And that anyone from henceforth who may have any wines to be exposed for sale shall not sell the tun of wine unless at a price at which he can gain half a mark of profit. And that any of the serjeants who ought and were accustomed to receive corn for their subsistence, from henceforth shall only receive a measure of corn, to wit, the quarter of London, every twelve weeks; and if any serjeant despise this and be neglectful in taking [his allowance], it shall be lawful for his lord to chastise and imprison him in his body.

Price of wines.

Allowances to
servants.

7 EDWARD I. A.D. 1279.

STATUTE AS TO MEN OF RELIGION.

(ALSO CALLED THE STATUTE OF MORTMAIN).

THE King to his Justices of the Bench, greeting. Whereas, of late it was provided, that men of religion should not enter into the fees of any persons without licence and will of the chief Lords, of whom those fees are immediately held; and notwithstanding, men of religion have afterwards entered as well into their own fees, as those of other men, appropriating and buying them for themselves, and sometimes receiving them of the gift of others, whereby the services that are due of such fees, and which from the beginning were provided for defence of the realm, are

No land shall
be aliened in
Mortmain on
pain of
forfeiture.

Regni ab inicio puisa fuerunt indebite subtrahunt' & dñi Capitales eschaetas suas inde amittunt; nos sup hoc p utilitate Regni congruū remediū puideri volentes, de consilio p̃latoꝝ Comitū & alioꝝ fideiū Regni ñri de consilio ñro existencium puidim' statuim' & ordinam' qđ nullus Religiosus aut alius quicūq; p̃ras aut teñ aliqua eñse vel vendere aut sub colore donacionis aut p̃mini vel alpius tituli cui'cūq; ab aliquo recipe aut alio quouismodo arte vel ingenio sibi appriare p̃sumat sub forisfcura eoꝝd p quod ad manū mortuā terre & teñ hui'modi deueniant quouomodo. Prouidim' etiam qđ si quis religiosus aut alius contra p̃sens statutum aliquo modo arte vel ingenio venire p̃sumpserit; Liceat nobis & aliis immediatis capitalibꝫ dñis feodi taliter alienati illud infra annū a tempore alienacionis hui'modi ingredi & tenere in feodo & hereditate. Et si capitalis dñs immediatus negligens f̃uit & feodum hui'modi ingredi noluerit infra annū, tūc liceat px^o capitali dño mediato feodi illius infra dimidiū annū sequētē feodū illud ingredi & tenere sicut p̃dcm est. Et sic quilibꝫ dñs mediatas faciat si p̃pinquior dñs in ingrediendo hui'modi feodū negligens f̃uit ut p̃dcm est. Et si omēs hui'modi capitales dñi hui'modi feodi qui plene fuerint etatis & infra q̃tuor maria & extra p̃sonam p vnū annū negligentes vel remissi fuerint in hac parte; nos statim post annum completum a tempe quo hui'modi emp̃ciones donaçōes aut aliis appropriaciones fieri contigerit, terras & teñ hui'modi capiem' in manū ñram & alios inde feoffabimus pro certa seruicia nobis inde ad defensionem Regni nostri facienda; saluis capitalibus dñis feodoꝝ illoꝝ Wardis eschaetis & aliis ad ip̃os ptinentibꝫ ac seruiciis inde debitis & consuetis. Et ideo vobis mandamus qđ statutum coram vobis Legi & decetero firmiter teneri & obſuari faciatis. Teste Rege apud Westmonasteꝛ xv^o die Noſi anno 7 sui septimo.

unduly withdrawn, and the chief Lords lose their escheats thereof. We, therefore, for the profit of the realm, intending to provide suitable remedy, by the advice of the Prelates, Earls, and other lieges of our kingdom, being of our Council, provide, establish, and ordain, that no person, religious or other, whosoever, presume to buy or sell any lands or tenements, or to receive them from any under pretence of gift or term, or any other title whatsoever, or by any other craft or device to appropriate same to himself, under forfeiture of the same, whereby such lands and tenements may any wise come into Mortmain.

We provide also, that if any person, religious or other, presume by any other craft or device to offend against this statute, it shall be lawful to us and other immediate chief Lords of the fee so aliened, to enter into the same within a year from the time of such alienation, and to hold it in fee and inheritance. And if the immediate chief Lord be negligent, and will not enter into such fee within the year, then it shall be lawful for the next chief Lord mediate of the same fee to enter into the same fee within half a year next following, and to hold it as before is said. And so every Lord mediate may do, if the next Lord be negligent in entering into such fee, as is aforesaid. And if all such chief Lords of such fee, who shall be of full age, and within the four seas, and out of prison, be negligent or remiss in this behalf for one year, we, immediately after the completion of a year from the time it happened that such purchases, gifts, or other appropriations were made, shall take such lands and tenements into our hands, and shall infeoff others thereof, in consideration of certain services to be rendered to us thereof for the defence of our realm; saving to the chief Lords of the same fees their wardships, escheats, and other things appertaining to them, and the services thereof due and accustomed. And therefore we command you, that you cause the aforesaid Statute to be read before you, and from henceforth to be firmly kept and observed. Witness the King at Westminster, the fifteenth day of November, in the seventh year of his reign.

The lords of the fee shall successively take benefit of the forfeiture.

On their neglect for twelve months the king shall take.

12 EDWARD I. A.D. 1284.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 79.]¹

EDWARDUS dei gr̃a Rex Angl̃ Dñs Hib̃n & Dux Aquit̃ Thẽs & Baronibz de Sc̃cio ac Camariis suis saltm. Vt indemnitati ñre & poplo regni ñri in aliquibz que nos & popl̃m ñrm ßd̃cm & sc̃cio ñro ßd̃co contingūt p̃spiciatur volum⁹ & puidimus qđ non sc̃bantur de celo corpa Com̃ in Rotul̃ anualibz s̃z scribantur in quodam rotulo et legantur singulis annis sup̃ compotū vič. Singula videt̃ de singulis [Comi]²tatibz et ut sciatur si quid inde accidere possit ex q̃cumq; causa remanencia vero firmaꝝ eoꝝdē Com̃[post fr̃]³as datas sc̃bant̃ in rotulis anualibz & ostentur inde vič, in quibzquidē remanentibz associant̃⁴ lib̃ta[çoes &]⁵ elemōie constitute & alie allocaçones si quas vič h̃u⁹int de exitibz battie sue p̃ b̃ria sua. Et quia [ad sug]⁶gestionē diu⁹soꝝ Baltioꝝ ñroꝝ fiunt b̃ria ñra de diu⁹sis allocaçoiibz ad graue dampnū ñrm volum⁹ [et puidi]⁷mus qđ de hui⁹modi allocaçoiibz sic faciendis de celo fiat vis⁹ in sc̃cio & hui⁹modi visu fidei fco[iidem]⁸ Thẽs & Barones certificent Cancellar̃ ñrm de debiit̃ allocaçoiibz faciendis. Et fiant b̃ria de allocaçoiibz [iuxta]⁹ c̃tificaçoem ßd̃cam. Scribant̃ & in eisdem rotul̃ anualibz firme vič, p̃ficua Com̃, firme seriantiaꝝ [et]¹⁰ assertoꝝ firme Civitať Burgoꝝ villaꝝ & alie firme de quibz responsū est annuatim ad sc̃cm ßd̃cm [Item]¹¹ sc̃bant̃ in eisdem rotul̃ om̃ia debita at̃fminata om̃ia grossa debita de quibz spes est qđ aliquid inde reddi [possit]¹² Item om̃ia debita que videntur ēe ṽa.¹³ Cum ṽo p̃ventū fu⁹it in compoť ad titulū de nouis obligatis¹⁴ nō sc̃bant̃ in roŭlo anuali

¹ This Statute being found in the Red Book, but without writ for its observance in this country, is placed as of the year of its enactment.

² Obliterated.

³ *Associantur*. The Close Roll (from which the text in *Stat. Real.* is taken) reads *allocantur*.

⁴ Close Roll reads *clara*.

⁵ Close Roll reads *oblatis*. In the Exchequer this signified old debts brought from precedent years and put to the present sheriff's charge.

12 EDWARD I. A.D. 1284.

STATUTE OF RHUDDLAN—PROVISIONS MADE IN THE
EXCHEQUER.

EDWARD by the grace of God, King of England, lord of Ireland and Duke of Aquitaine, to his Treasurer, Barons, and Chamberlains of the Exchequer greeting. To the intent that provision may be made, for the indemnity of us and of the people of our realm, in certain things which concern us and our said people, in our said Exchequer, we will and provide that from henceforth the bodies of the counties be not written in the Annual rolls, but that they be written in one certain roll and be read every year upon the account of the sheriffs; each to wit, of the several counties, that it may be known if anything can thereof accrue to us by any reason; but the remanents of the farms of the said counties shall be written after "lands granted," in the Annual Rolls, and the sheriffs shall be therewith charged, in which remanents the Liveries and Alms assigned shall be included, and other allowances, ^{Allowances} if the sheriffs have any, of the issues of their bailiwick by their writs. And ^{and amounts} because at the suggestion of divers of our bailiffs, our writs are made of ^{of farms and} divers allowances, to our great loss, We will and provide that of such ^{debts.} manner of allowances so to be made, from henceforth view be made in the Exchequer; and such view being faithfully made, the said Treasurer and Barons shall certify our Chancellor of the due allowances to be made, and writs of allowances shall be made according to the aforesaid certificate. Also there shall be written in the said Annual Rolls the farms of the Sheriffs, the profits of counties, the farms of Serjeanties and Assarts, the farms of cities, burghs, towns, and other farms whereof answer is made yearly at the aforesaid Exchequer. There shall also be written in the said Rolls all debts attermind, all gross debts whereof there is hope that something may be recovered; also all debts which seem to be just. But when they come in the account to the

nisi ea de quibz respondent [spes est, viç]¹ et debita innenta in originalibus que videntur esse vera et clara. D. firmis vero mortuis et debitis de quibus nõ est spes fiat un' rotulus et irrotulent² Com et legant' singul' annis sup comp' viç. Et debita de quibz viç respondent sc'hant' in rotulo anuali et ibi acquient³. Item volum' et puidim' qd pelamet' in singlis Com qd omes illi qui hnt tal' de sc'cio de debitis suis vt añcessor' suoz ibidem solut' nõdũ hacten' allocatis qd adhuc veniant [in summonicoem sc'cii libent hui'modi tallias viç suis allocand]⁴ ad sc'cm sup compot' suos et ßdci viç fac ill' a q'bz tal' sic recepit sc'ptur' suas testificantes recepcoem illam tal' suaz sũmam et occ'oem debitoz. In'sint recepcoi tal' ßdcaz duo milites fideles ad hoc deputati in quos ßdci vicecom' fac Cyrog'aspñ de hui'modi recepcone sigilla eo'z alñati inuenta.⁴ Prefati vº milites ad hoc deputandi mittant ad sc'cm ad l'minũ statuend' ptes suas Cyrog'aspñ suoz ßdcoz in forma ßdca ut p visũ et testimoniũ eo'zdem dce Tal' p vicecom' sic recept' exhibeantur sup comp' suos et allocent'. Proclamet' insup qd nisi illi qui hnt h'modi tal' libent eas viç et miliit ut ßdem est extũc dist'ngentur p toto debito et tal' ßdce p nõ solutis reputabant'. Item ut debita que adhuc veniũt in sumoibz unde debitores pferũt Tal' cont' div'sos viç deferrent⁵ et acquient⁶. Providin' et qd aliqui sint ad hoc assignati ex pte nra in singlis Com qui hñant plenã pstatem inq'rendi de h'modi debitis et vocãdis⁶ coram eis tam soluentes q' viç hedes assignat aut tenetes lras eo'z si ipi mortui fu'int qui hui'modi recepit et insup pcedend' ad inq'sicoem et capiendi si nõce ffu'it siue ptes sint p'sentes co' quas tal' ßdce fu'int ostense siue non. testificata in p'us p viç sũma⁷ eisdem inde r'onabili facta et inquisita et

¹ The words in brackets are in Close Roll, but not in the Red Book.

² The Close Roll reads *intitulentur*.

³ The sentence in brackets is in the Close Roll, but not in the Red Book.

⁴ *Munita* in Close Roll.

⁵ *Deputentur* in another MS.

⁶ So in MS.

⁷ *Summonicione* in Close Roll.

title "Nova oblata," nothing shall be written in the Annual Roll except those of which [there is hope of payment, and the Sheriffs] answer, and debts found in the Originals which seem to be just and clear. Of dead farms and debts of which there is no hope, one Roll shall be made, and the counties shall be enrolled in it (or) [*it shall be entitled "comitatus,"*] and read every year upon the account of the Sheriffs, and the debts whereof the Sheriffs answer shall be written in the Annual Roll and there shall be acquitted. Moreover, We will and provide that proclamation be made in every county that all those who have tallies of the Exchequer of their own debts or of those of their ancestors paid there, not yet allowed, that yet may come [in the summons of the Exchequer, deliver to their Sheriffs such tallies to be allowed] at the Exchequer upon their accounts, and the aforesaid Sheriffs shall make to those from whom they shall so have received tallies, their writings testifying the receipt of their tallies, the amount and occasion of the debts.

A Roll of desperate debts.

Tallies for debts.

Two trustworthy Knights deputed for this purpose, shall be present at the receipt of the said tallies, between whom and the said Sheriffs shall be made indentures of such receipt, confirmed by their seals interchangeably.

Indentures thereof.

The aforesaid Knights to be deputed for this shall send to the Exchequer at a term to be appointed, their parts of their said indentures in form aforesaid, so that by view and witness thereof, the said tallies so received by the Sheriffs may be exhibited upon their accounts and allowed. Moreover, proclamation shall be made that unless those who have such tallies deliver them to the Sheriffs and Knights as aforesaid, that thenceforth they shall be distrained for the whole debt, and the aforesaid tallies shall be reckoned as unpaid. Also that the debts which hitherto come in summons, whereof the debtors proffer tallies against divers Sheriffs, shall be defalked and acquitted. Moreover we provide that certain persons assigned thereunto on our behalf [be sent] into every county, who shall have full power of enquiring of such debts and also of calling before them as well the payers as the Sheriffs, the heirs, assigns, or the tenants of their lands, if they be dead who have received such; and in addition, if there be necessity, of proceeding to take inquest, whether the parties against whom the said tallies were shown be

Tallies not delivered.

Commissions to enquire of the king's Debts.

discussa & n^o p^{re}sencia p^{re}ciū sup^{er} hiis v^{er}itate facient d^{omi}ni
inquisitores rotulos de omⁿib^{us} debitis corā eis cōuictis v^{el} con-
fessis & irro^{tu}llatis debite p^{re}dictis statim frangātur tal^{iter} eo^{rum}.
Vicecom^{ites} ē^{nt} h^{ab}ean^t penes se s^{ub} sigill^{is} suis inquisito^{rum} insc^{ri}pta
rotulo^{rum} p^{re}dicto^{rum} & sup^{er}sedeant dist^{ri}c^{ti}oⁿem facien^{tes} p^{ro} debite in eisdem
cōtentis donec aliud inde h^{ab}u^{er}int in mandatis. p^{re}fati v^{er}o
inquisitores mittant ad sc^{ri}pt^{um} s^{ub} sigill^{is} suis rotulos p^{re}dictos ut ibi
p^{er} scrutiniū inde^{re} facien^{tes} examinent^{ur} que debita in p^{ar}te v^{el} in toto
sint soluta & que nō & f^{er}ac^{iter} examina^{ti}one p^{re}dicta on^{er}ent^{ur} v^{el} &
acq^{ui}etent^{ur} debitores [sc^{ilicet}dm]¹ q^{ui}d p^{er} eandē fu^{er}it facien^{du}m. Item
volum^{us} & p^{ro}uidim^{us} q^{ui}d Cam^{er}arii nō faciant de celo v^{el} seu [aliis]¹
quib^{us}cūq^{ue} Ballis tal^{iter} dividen^{tes} nisi recept^{as} prius ab eis p^{re}dictis
sūmas & oc^{cu}rr^{er}es debito^{rum} & nōia [ea]¹ soluenciū continētib^{us} in
quasq^{ue} p^{re}dictas velint h^{uius}modi dividen^{tes} p^{er}iri quib^{us} s^{ub} sigill^{is}
eo^{rum} [receptis]¹ nō licet eas in alias p^{re}dictas aliq^{ui}ten^{tes} mutare.
P^{ro}uidim^{us} ē^{nt} q^{ui}d o^mia debita ad que v^{el} respond^{er}ent q^{ui}d]¹ debitores
nichil h^{ab}uer^{int} in balliis suis n^{isi} h^{ab}u^{er}ūt t^{em}p^{or}e quo on^{er}ati fu^{er}int de
eisdem debitis v^{el} q^{ui}d nō [sunt]¹ i^uuenti ext^{ra}hant^{ur} & sc^{ilicet}bant^{ur} in
rotulis & t^{ra}nsdant^{ur} rotuli illi viris fide digⁿⁱ & circūsp^{er}ctis q^{ui} inde
fac^{er}iant inquisi^{ti}oⁿem]¹ i^{tem} for^{as} p^{er} The^{se} & Baroⁿes p^{ro}uiden^{tes}. Et q^{ui}
p^{er} quedā p^{re}dicta in sc^{ri}c^{ti}o n^{ost}ro hacten^{us} tenta que [nos seu
ministros]¹ n^{ost}ros ei^{us}dem sc^{ri}c^{ti}o nō cōtingūt n^{ost}ra & p^{op}uli n^{ost}ri negocia
corā eisdem indebite p^{ro}gant^{ur} & imped^{ir}iuntur volu^{er}im^{us} &
ordinam^{us} q^{ui}d n^{ost}rum p^{re}dictum de celo teneat^{ur} in p^{re}dicto sc^{ri}c^{ti}o n^{isi}
ill^{ud} quod tangat [nos vel mini]¹stros n^{ost}ros p^{re}dictos. Et id^{em} vob^{is}
mandam^{us} q^{ui}d p^{re}missa corā vob^{is} distincte & ap^{er}te [legi rotulari &]¹
de celo obseruari faciat^{ur} in sc^{ri}c^{ti}o p^{re}dicto. In c^{uius} rei testimoniū
has l^{it}as n^{ost}ras¹

¹ Obliterated.
² Interlined.

present or not, reasonable summons made to them therefor being first testified by the Sheriff; and the truth in these matters being inquired into and discussed in presence of the parties, the said inquisitors shall make Rolls of all debts proved or confessed before them, and the said debts being enrolled, forthwith the tallies of the same shall be broken. Also the Sheriffs shall have in their custody under the seals of the inquisitors transcripts of the said Rolls, and shall surcease making distraint for the debts contained in them, until they shall have otherwise in command therefor. The said inquisitors shall send to the Exchequer under their seals the aforesaid Rolls, that there by scrutiny thereof to be made, examination may be had what debts are paid in part or in the whole and what not, and the aforesaid examination being made, the Sheriffs shall be charged and the debtors acquitted according to what ought to be done by the same.

Also we will and provide that the Chamberlains from henceforth shall not make to the Sheriffs or any other bailiffs whomsoever tallies to be divided, unless they first receive from them particulars containing the amounts and occasions of the debts and the names of those paying them, into whatsoever particulars they wish such tallies to be divided, and those being so received under their seals, it shall not be lawful to change them by any means into other particulars.

Moreover, we provide that all debts as to which the Sheriffs make return, that the debtors have nothing in their bailiwicks, nor had at the time when they were charged with the same debts, or that they be not found, shall be estreated and written in Rolls, and these Rolls delivered to trustworthy and circumspect men who shall make enquiry thereof in the form to be provided by the Treasurer and Barons. And because by certain pleas heretofore held in our Exchequer which do not concern us or our officers of the said Exchequer, our affairs and those of our people before them are unduly postponed and hindered; We will and ordain that no plea be henceforth held in the said Exchequer, unless what specially concerns us or our officers aforesaid, and therefore we command you that you cause the premises to be distinctly and openly read before you, inrolled, and henceforth observed in the said Exchequer. In Witness whereof, these our letters, &c. [Witness the King at Rhuddlan, the 23rd day of March in the twelfth year of our reign.]¹

Tallies to sheriffs.

Enquiry as to debtors "not found," &c.

No suit to be prosecuted in Exchequer unless it concern the king or his officers there.

¹ This sentence is completely effaced in the Red Book. *Cott. MS. Vesp. B. 7.* reads "apud Roth: xxiv. die Mali anno x." but the King was not at Rhuddlan at that date. An English Exchequer *MS. Lib. Sec. x.* reads "apud Roth. xxiii. die Mart. anno regni nri xii." The King was at Rhuddlan on that day, and had been there for some time previously, so this would appear to be the correct date. See Sweetman's *Cal. Documents relating to Ireland and Cal. Pat. Rol. (P. R. O., series) 1281-92*, p. 117.

13 EDWARD I. A.D. 1285.

[CLOSE ROLL ENGL. 13 EDWARD I. m. 3 d.]

D STATUTIS LIBERATIS.

MEMO^d q^d die Vēſis in feſto Exaltaōis Sēe Crucis anno
 ēc xii^o apud Wynton libata fūnt Roſo Bretun clico
 veſtaſ p̄ris W. Walford Ep̄i tūc juſtiē Hib̄n quedam ſtatuta
 p regem et conſiliū suū edita et p̄viſa vidēſt ſtatuta Weſtm̄
 ſtatim poſt coronaōm f̄ edita et ſtatuta Glouē et ſtatuta
 p m̄catoribz f̄ca ac ſtatuta Weſtmoū in pliamēto reḡ paſch̄
 anno p̄dco p̄viſa et f̄ca in Hib̄n deferenda et ibidē p̄clamanda
 et obſvanda.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 81-91.]¹

CES sunt les establisemenz le Rey Edward le fiz le Rey
 Henry fez a Weymoster a son p'mer parlement general
 apres son coronnement apres la Cluse Paske lan de son
 Regne tierz par son conseil o par le assentement des
 Erceueskes Eueskes Abes Priurs Contes Barons e la
 Cōmunauté de la tere ileokes somons Pur ceo ke nostre
 seygnur le Rey ad graunt volente e desir del estat de son
 Reaume adroscer en les choses ou mestier est del amende-
 ment e ceo pur le cōmun profit de seint Eglise e del reaume.
 Et pur ceo q̄ lestat de seint Eglise ad este maumene e les
 prelaz o les religious² de la tere greuez en mulz de mafes
 e le poeple autrement trete e la pees meins garde q̄ estre
 ne deust e les leys mesusees e les meffesaunz meins puniz q̄
 estre ne dussent pur quei les genz doterent le meins a meffere;
 si ad le Rey ordine e establi les choses desuz escrites q̄ il
 entent q̄ seient profitables e couenables a tut le Reaume.
 C. Enprimes vent le Rey e comaunde q̄ la pees de seint
 Eglise e de lu tere seit bien garde e maintenue en tuz poinz
 e q̄ cōmune droiture seit fet a tuz ausi bien a pources com
 as riches saunz regard de nuly. C. Purceo q̄ les Abbeyes
 e les mesons de Religions ont este sorchargez e greue
 malement par la venue des g^unz genz e autres q̄ bien ne
 sofiseient a eaus meismes receiure par quei les religious² sont

¹ See Writ 13th year (above) commanding observance of this Statute in Ireland.
 This Statute was re-enacted for Ireland by Statute in a Parliament held in
 Dublin, 13 Edward II. cap. 2.

² Religions in MS.

13 EDWARD I., A.D. 1285.

AS TO STATUTES DELIVERED.

BE it remembered that on Friday the Feast of the Writ for Exaltation of the Holy Cross [14 September] in the 13th observance in year, &c., at Winchester, were delivered to Roger Bretun, Ireland of clerk of the Venerable Father W.¹ (*recte* Stephen) bishop of statutes of Waterford then Justiciar of Ireland, certain Statutes by Westminster, the King and his Council made and provided, namely, the Gloucester, and those of the Statutes of Westminster made immediately after the King's Merchants. coronation, and the Statutes of Gloucester and the Statutes made for Merchants, and the Statutes of Westminster in the parliament of the King at Easter in the said year provided and made, to be brought into Ireland and there to be proclaimed and observed.

THE STATUTES OF WESTMINSTER THE FIRST; (ENACTED IN ENGLAND
3 EDWARD I.)

THESE are the Acts of King Edward, son of King Henry, made at Westminster at his first Parliament general after his coronation, on [the morrow] after the Close of Easter in the third year of his reign, by his Council, and by the assent of the archbishops, bishops, abbots, priors, earls barons, and the commonalty of the land thither summoned.

Because that our lord the King has a great wish and desire to redress the state of his realm in things which require amendment, for the common profit of Holy Church, and of the realm: and because the state of Holy Church has been ill kept, and the prelates and religious persons of the land grieved in many ways, and the people treated, and the peace kept, otherwise than they ought to be, and the laws misused, and offenders less punished than they ought to be, by reason whereof people feared the less to offend; the King has ordained and established these things underwritten, which he thinks to be profitable and suitable unto the whole realm.

I. First, the King wills and commands, that the peace of Holy Church and of the land be well kept and maintained in all points, and that Peace of Holy Church. common right be done to all, as well poor as rich, without respect of person. And because that Abbeys and Houses of Religion of the land have been overcharged, and sore grieved, by the resort of great men and others, so that their goods have not been sufficient for themselves, whereby the Religious are so reduced and impoverished, that they cannot

¹ So in original. Stephen Fulburn was Bishop of Waterford and Justiciar of Ireland at this date.

issi abessez et enpon^{ez} q̄ eles ne poūt sustenir eus meismes ne la charge de la charite q̄ eles solient fere ; pur ceo purueu est q̄ nuly vengne manger herbiḡ ne gisir en meson de Religion de autri auceson q̄ de la sone al cust de la meson sil ne seit prie e requis especialment par le gouerñr de la meson auant qil ivengne e q̄ nul a ses custages demeine vengne gisir desoremes en meson de Religion en contre la volente de la meson. Et par ces estatuz ne entent pas le Rey q̄ grace de especialte¹ seit sostret a bosoingnus e q̄ les auouwez des mesons ne puisent par lur venues sorkarker e destrure. C. Purueu est ensement q̄ nul g^{nt} ne petit par colur de parente ou de especialte ou de autre affinite ne par acheson ne courge en autri parks ne pesche en autri viuers ne herberge en autri maner ne en meson de prelat de home de Religion ne de autre encontre la volente e le conge del seynur ou del baillif al coust le seynur deleinz ne a son coust demeine. Et si il vengne par le gre ou saunz le gre le seynur ou le baillif nule serure huys fenestre ne nule manere de fermine ne face ouerir ne depescer par sey ne par autre ne nule manere de vitaille ne de autre chose ne prengne par colur de achat ne autrement. C. E q̄ nul ne face batre ne prendre nule manere de vitaille ne autre biens de nuly prelat home de religion persone ne de autre ne de Clerk ne de lay par colur de achat ne autrement encontre la bone volente ou le conge de celuy a ki la chose fra ou le gardein dedenz vile marchaunde ou dehors. C. Et q̄ nul ne prengne Chiuas beofs chars charettes niefs ne bateus a fere cariages saunz la bone volente ou le conge de celuy a ki la chose serra e si par la volente de celuy le face, lors meintenaūt face son gre solum le couenāt fet entre ceus. Et ceus q̄ vendront encontre les estatuz auantdiz e de ceo soient ateinz, soient aiugez a la prison le Rey e de ileokes reinz solum la q^{ntite} e la manere del trespas solum ceo q̄ le Rey ou sa Court verra q̄ bien seit. Et fet a sauer q̄ si ceus a ki le trespas ert fait veillent suire les damages q̄ il auerunt eus, lor serra regarde e returne al double e ces q̄ les trespas auerunt fet soient puniz a la manere auantdite, e si nul ne voudra suire, le Rey eit sa suite com de chose fete encontre son defens e encontre sa pees. Et le Rey fra enquere de an en an si com quidera q̄ bien seit quele gent eient tel trespas fet e ceus q̄ serrunt enditez en tieles enquestes s^{runt} atachez

¹ Five other MSS. read *hospitalite*.

maintain themselves, nor the charge of the charity which they have been accustomed to extend ; therefore it is provided, that none come to eat, lodge, or rest in a House of Religion of any other's foundation than his own, at the cost of the House, unless he be specially invited and asked by the head of the House before his coming. And that none, at his own costs, henceforth come to rest in any House of Religion against the will of the House. And by this Statute the King intends not that the grace of hospitality should be withdrawn from such as need, nor that the patrons of Houses should overcharge, or burden them by their visits. It is provided also, that none, small or great, by colour of kindred, affinity, or any other alliance or for any cause, course in another's parks, or fish in another's ponds, or lodge in another's manor or in the house of a prelate, or Religious person, or other, against the will and leave of the lord, or of the bailiff, at the cost of the lord there, or at his own cost. And if he come with the good-will, or without the will of the lord or of the bailiff, that he cause no lock, door, window, or any kind of fastening, to be opened or broken, by himself, or any other, nor that he take any manner of victual, or other thing, by colour of purchase, or otherwise. And that none thresh [corn] or take any manner of victual or other goods, of any prelate, Religious person, or any other, clerk or lay-person, by colour of purchase, or otherwise against the good-will or leave of him whose the thing shall be, or of the keeper, be it within a market town, or without. And that none take horses, oxen, carts, waggons, ships, or barges, to make carriage, without the good-will or leave of him whose the thing shall be ; and if he do it by the will of the party, then straightway he shall make satisfaction according to the agreement made between them. And that they who shall offend against the aforesaid Statutes, and thereof be attainted, be committed to the King's prison, and there make fine, according to the greatness and manner of the trespass, as the King or his Court think best. And it is to be known, that if they against whom the trespass was committed, will sue, the damages that they shall have sustained shall be awarded to them and restored to the double ; and they that shall have committed the trespass, shall be punished in the manner above said : and if they will not sue, the King may have his suit, as for a thing committed against his prohibition, and against his peace. And the King shall cause enquiry to be made from year to year, if he think well, as to what persons have committed such trespasses ; and they that shall be indicted in such Inquests shall be attached and distrained by the

Relief to
Religious
Houses from
Purveyance.

e destrein^z par la graunt destresce de venir a un certain Jour ke contenge le espace de vn moys en la Court le Rey la ou li plerra e si ceaus vengnēt a tiel Jour, seient destrein^z derechief par mesme la destresce de venir a vn stein Jour q̄ contigne seet¹ sesmeines. Et si ceaus adunk ne vengnent seient iugez com ateinz e rendent le double par la suite le Rey a ceaus q̄ le damage aueront e seient greuousement puniz solum la manere del trespas. C. Et le Rey defent e comaund q̄ nul desoremes ne face mal ne damage ne greuance a nul home de Religion psone de seient Eglise ne a autre par acheson qil eyent vye le hostel ou le man^g a nuly ou par acheson de ceo q̄ aukū se pleient en la Court de ceo qil sen sent greue de aukunes choses auaunt^z dites e si nul le face e de ceo seit ateint, seit encoru en la peyne auaunt^z dite. C. Et est porueu q̄ les poinz auaunt^z diz lient ausi bien nos Conseillers Justices de fforest e nos autres Justice come autre gent. C. Et q̄ les poinz auaunt^z diz seient meuz tenuz e gardees si defēd le Rey sor sa greue forfeiture q̄ nul prelat Abbe home de Religion ou baillif de aukun de eaus ne receiue nul home encontre la forme auaunt^z dite. C. Et q̄ nul ne enuoye a meson ne a maner de Religion ne de autre home genz Chiuaus ne Chiens a soiorner ne nul ne les receiue. Et qi le fra, por ceo q̄ ceo est encontre le defens e le comaundement le Rey il serra puni greusement. C. Unkore est porueu q̄ viscontes ne herbergēt en nul liu oud plus q̄ oud cink ou sis Chiuaus ne q̄ il ne greuent la gent de Religion ne autres par lour souent venir ou gisir a lour mesons ou a lour maners. C. Porueu est ensement q̄ kaūt Clerk est pris por ret de felonie e il seit demaunde p le Ordinaire il lui seit liuere solum le priuilege de seient Eglise en tiel peril com il i apent solū les custumes auaunt ces oures vsees e le Rey amoneste les flaz e lour enioynt en la fei qil li deuient e por le comun profit e la pees de

great distress, to come at a certain day, within the space of a month, into the King's Court, where it shall please him; and if they come [not] at that day, that they be distrained anew by the same distress, to come at a certain day, within seven weeks. And if they come not then, that they be judged as attainted, and render double, by the suit of the King, to those who shall suffer the damage, and be heavily punished according to the manner of the trespass.

And the King forbids and commands, that no one from henceforth do hurt, damage, or injury to any Religious person, parson of Holy Church, or any other, because they have refused lodging or food unto any, or because that any one complains in Court that he feels himself aggrieved in any of the things above mentioned: and if any do this and thereof be attainted, that he incur the penalty aforesaid.

No suit for
denying
lodging.

And it is provided, that the points aforesaid bind as well our Councillors, Justices of the Forest, and other our Justices, as other persons.

And that the aforesaid points may be the better maintained and observed, the King forbids upon heavy forfeiture, that any Prelate, Abbot, Religious person, or the bailiff of any of them, receive any man contrary to the form aforesaid.

And that any send to a house or manor of Religion or that of any other person, men, horses, or dogs, to sojourn, nor that any receive them; and he who shall do this (seeing that it is contrary to the King's prohibition and command) shall be heavily punished.

It is further provided, that from henceforth Sheriffs lodge not in any place with more than five or six horses; and that they do not burden Religious persons, or others, by their often coming or lodging at their houses or their manors.

Sheriffs
retinue.

II. It is provided also, that when a clerk is taken on a charge of felony, and he be demanded by the Ordinary, he be delivered to him according to the privilege of Holy Church, on such peril as thereto attaches, according to the customs heretofore used. And the King admonishes the prelates, and enjoins them upon the fealty that they owe to him, and for the common profit and peace of the land, that they in no manner

Delivery of
clerks indicted
to the
Ordinary.

la tere q̄ ceaus q̄ sunt enditez de tiel ret par solempne enqueste des prodes homes fete en la Court le Rey en nule manere ne les deliurent saunz duwe purgacion issi q̄ le Rey neit mester de mettre i autre remedie. C. Purueu est ensement q̄ nule rien ne seit desoremes demaunde ne pris ne leue p^r eschap de larun ou de felon ieske ataunt q̄ le eschap seit aiuge par Justices erraunz e ky autrement le fra, si rendra a celuy ou a ceaus qi laueront pæz q^{nt} q̄ il auera receu e au Rey ensement ataunt. C. De wreke de mer est acorde q̄ la ou home chien ou chat eschape vif hors de la Nief ou le batel ou nule rien q̄ leinz seit, ne seit iuge a Wrek mes soient les choses sauuees e gardees par veue del visconte e del Coruner e des bailliz le Rey en la main de ceaus de la vyle ou les choses sont trouez issi q̄ si nul siwe ceus biens e puisse prouer qil soient soens ou a son seigneur ou en sa garde periz dedens lan e le jour saunz delay li soient renduz. Et si noun, remaignēt au Rey e soient prisez par le visconte e le Coruner a la vile a respoudre deuant Justices del Wrek q̄ apent au Rey. Et la ou Wrek apent a autre q̄ al Rey si lait p meime la manere. Et qi autrement le fra, e de ceo seit ataint, seit a garde a la prison e reint a la volente le Rey e rendra les damages ensement. Et si la baillif le face e seit desauowe del seigneur e lo seigneur ne ne otrie a luy, respoingne le baillif si il ad de quei. Et sil nad de quei, rende le seigneur le cors del baillif al Rey. C. Pur ceo q̄ elections deuient estre fraunches, le Rey defent sur sa greue forfeiture q̄ nul haut home ne autre par poer de armes ne par malice¹ ne desturbe de fere fraūche election. C. Et q̄ en nule Cite Burg ou Vile ne nul home seit amercie saunz renable acheson e solum la q^{ntite} del trespas ceo est a sauver fraunk home sauue son contenemēt marchaund sauue sa marchaundise vilayn sauue son gaignage e ceo par lour piers. C. Des prises des Conestables ou Chasteleyns fetes de autres q̄ de la gent de la vile ou les Chasteaus sunt assis, purueu est q̄ nul Conestable

¹ Another MS. reads *manace*.

deliver, without due purgation, those who are indicted on such accusation by solemn Inquest of lawful men made in the King's Court, so that the King need not to provide any other remedy in that case.

III. It is provided also, that nothing from henceforth be demanded or taken or levied, for the escape of a thief or a felon, until the escape be adjudged by the Justices in eyre. And that he that shall do otherwise, shall restore to him or them that shall have paid it, as much as he shall have received, and as much also unto the King. No fines for escapes until judgment.

IV. Concerning wreck of the sea, it is agreed, that where a man, a dog, or a cat escape alive out of a ship, [that the ship] or barge, or any thing within it, be not adjudged wreck; but that the goods be saved and kept by view of the Sheriff, Coroner, and the King's bailiffs, in the hand of those of the vill where the goods were found; so that if any sue for those goods, and can prove that they be his, or his lord's, or were lost in their keeping, within a year and a day, they be restored to him without delay. And if not, that they remain to the King, and be taken by the Sheriff and the Coroner to the vill, to answer before the Justices of the wreck that belongs to the King. And where wreck belongs to another than the King, that he have it in like manner. And he that shall do otherwise, and thereof be attainted, shall be committed to prison, and make fine at the King's will, and also yield damages. And if the bailiff do it, and be disavowed by the lord, and the lord will not pretend any title, that the bailiff answer, if he have whereof; and if he have not whereof, that the lord deliver the bailiff's body to the King. Wreck of the sea.
Custody of goods saved.

V. Because elections ought to be free, the King forbids, upon heavy forfeiture, that any great man or other, by force of arms, or by malice, disturb any from making free election. Freedom of election.

VI. And that in no city, burgh, or town, any be amerced, without reasonable cause, and according to the greatness of the trespass; that is to say, every free-man saving his contenement, a merchant saving his merchandise, a villein saving his wannage, and that by their peers. Amercements to be reasonable.

VII. Of prises taken by constables, or castellans, of others than the people of the vill where the castles are situate; it is provided, Prises.

ne Chasteleyn desoremes nule manere de prise ne face dautre homme q de autre home q de la vile ou son Chastel est assis, e ceo seit paie ou gre fet dedenz quarante Jours si ceo ne seit aunciene prise due au Rey ou al Chastel ou al seynur del Chastel. C. Et q nule rien seit pris p^r beaupleyder si com autre fiez fu defendu en le tens le Rey Henry piere le Rey q ore est. C. Et pur ceo q la pees de la tere ad este feblement garde auant ces oures par defaute de bone suite fete sur les felons solum doue manere e nomeement par acheson des fraunchises ou les felons sunt recettez, purueu est q tuz cōmunauemēt soient prez e aparaillez al maundemēt e a la somonse des viscontes ou autri' del pays de suire e de arester le^r felōs q^{nt} mester serra ausi bien dedenz fraunchises cum de hors. Et ces q ceo ne frūt, e de ceo soient ateinz, le Rey prendra a eus greuement. Et si la defaute seit troue sor le seynr de la fraunchise le Rey se prendra a meime la fraunchise, e si la defaute seit al baillif eit la prison de vn an e puis seit greuement reint e si il nad de quei, eit la prison de deus aunz. C. Et si visconte ou autre baillif dedenz fraunchises ou dehors pur louer ou par priere ou par nule manere de affinite concelent ou consentant ou procurent de conceler les felonies fetes en lour baillies ou ke il se feignent de arestier ou de atacher les mesfesaunz par la ou il purront ou autrement se feingnēt de fere lur office e nule manere de fauor des meffesaunz e de ceo soient ateinz q il eient la prison de vn an, e puis soient g^uemēt reinz, e si il ne vnt de quei, eiēt la p^{son} de quatre^r aunz. C. Pur ceo q petite gent e meins sages sunt esluz ia de nouel cōmunauemēt al office de Coruner e mestier serreit q prodes homes leaus e sages se intremeisent de cel office, purueu est q par tuz les contiez sient esluz suffisaunz Coruners des pl^r leals e plus sages Chiualers q meus sachent veillent e puissent a cel office entēdre e q loiaument attachent e re^psentent les appeaus de la Corune e les viscōtes eient contreroules oue les Coruners ausi bien

¹ So in MS. for *au* *ert*.

² Other MSS. read *lij*.

that no constable, or castellan, from henceforth exact any prise, of any other man than of the vill where his castle is situate ; and that it be paid, or else satisfaction be made within forty days, if it be not an ancient prise due to the King, or to the castle, or to the lord of the castle.

VIII. And that nothing be taken for Fair-pleading, as has been prohibited heretofore in the time of King Henry, father of the King that now is. Beau-pleader.

IX. And forasmuch as the peace of the land has been badly kept heretofore for lack of making effectual pursuit after felons in due manner, Pursuit of Felons. and especially because of franchises, where felons are received ; it is provided, That all generally be ready and prepared, at the command and summons of the sheriffs, or at the cry of the country, to pursue and arrest the felons, when any need shall be, as well within franchises as without ; and that they that will not so do, and thereof be attainted, the King shall take heavy fine from them. And if the default be found in the lord of the franchise, that the King shall take the same franchise to himself ; and if the default be in the bailiff, that he have one year's imprisonment, and after that be heavily fined ; and if he have not whereof, that he go to prison for two years.

And if the Sheriff, or other bailiff within franchises, or without, for reward, or by reason of entreaty, or for any manner of affinity, conceal, or consent, or procure concealment of the felonies committed in their liberties, or that they forbear to arrest or attach the evil doers, when they might do so, or otherwise forbear to execute their office, for any manner of favour towards such evil doers, and be thereof attainted, that they have one year's imprisonment, and after be heavily punished ; and if they have not whereof, that they suffer imprisonment for four years. Punishment of officers for corruption.

X. Forasmuch as mean and unwise persons now of late are commonly chosen to the office of Coroner, and it is requisite that persons of good standing, lawful, and wise, should occupy such office ; it is provided, that through all the counties, sufficiently-qualified men be chosen to be Coroners, of the most lawful and discreet knights, who best understand, are willing and able to attend on this office, and who will lawfully attach, and present the appeals of the Crown ; and that the sheriffs have Who shall be chosen Coroners.

des appeaus com des enquestes attachemenz & autres choses q̄ a cel office appendent. Et q̄ nul Coroner rien ne demande ne prenge de nuli por fere son office sur peine de la greue forfeiture le Rey. C. Et pur ceo q̄ plusurs rettez de mort de home e q̄ sunt copables de mesme la mort se sont par fauorables enquestes prises par viscontes e par bref le Rey kest appelle odio & atia repleuiz ieskes al ayre des Justices erraunz; purueu est q̄ teles enquestes seient des Coruners prises par prodes homes esluz par sermēt dount les deus seient Chiualers al meins q̄ par nul affinite ne atouchent les p̄sōs ne autrement ne seient sustenuz.¹ C. Purueu est ensement q̄ les felons escriez e q̄ sont aptement de male fame e ne se voillent mettre en enquestes des felonies q̄ vm les met sure deuaunt Justices a la suite le Rey q̄ il seient remis en la prison forte & dure come ceaus q̄ refusent la cōmune ley de la tere, mes ceo nest mie a entendre por p̄sons q̄ sunt pris pur legiere suspeciu. C. Et le Rey defent q̄ nul ne rauie ne prengne a force damoysele dedenz cage ne autre femme mangre seon e si nul le fet, a la suite celi q̄ suiuera dedenz les q̄rante iours le Rey en fra comune dreyture. Et si nul ne^s comence sa suite de denz quarante iours, le Rey ensiuera e ces qil entrouera copables, si aueront la p̄son de deus aunz e puis serrūt reinz a la volente le Rey. Et sil ne vnt dount estre reinz, a la volente le Rey si seyent puny par plus longe p̄son solum ceo q̄ le trespas le demande. C. Pur ceo q̄ vm lad vse de vltra en aukun pays la gent appellee del comaundemēt force aide e recettement dedenz mesme le lme q̄ vm deit vltra celui qest appelle del fet, purueu est e ḡnte par le Rey q̄ nul ne seit vltra pur appel del comaundemēt force aide ou recettemēt iesques ataunt q̄ li appelle del fet seit ataint issi q̄ vne mesme ley seit de ceo par tote la tere, mes celi q̄ apele ne lesse pas pur ceo de attacher son appel al

¹ Recte suspētenu.

Interlined.

counter-rolls with the Coroners, as well of appeals, as of inquests, attachments, and other things which to that office belong ; and that no Coroner demand or take any thing of any man for executing his office, upon pain of heavy forfeiture to the King.

XI. And forasmuch as many indicted of homicide, and who are guilty of the same, by favourable inquests taken by the Sheriffs, and by the King's writ called *Odio et Atia*, are replevied until the eyre of the Justices in eyre ; it is provided, that such inquests of Coroners be taken by discreet men chosen by oath (of whom two at the least to be knights), who are not connected with the prisoners by any affinity, nor are otherwise to be suspected. Inquests of homicide.

XII. It is provided also, that proclaimed felons, and those who are openly of ill fame, and will not put themselves in inquests of felonies that men put them on before the Justices at the King's suit, be sent to prison strong and hard, as those that refuse the Common Law of the land. But this is not to be understood in the case of prisoners who are taken on slight suspicion. Punishment of felons refusing the common law.

XIII. And the King prohibits that any do ravish, or take by force, Rape. any maiden under age [either with her own consent, or without, or any wife or maiden of full age],¹ or any other woman against her will ; and if any do this, the King shall do common right at the suit of him that will sue within forty days. And if none commence his suit within forty days, the King shall sue, and those who shall be found guilty, shall have two years' imprisonment, and after be fined at the King's pleasure ; and if they have not whereof to be fined at the King's pleasure, they shall be punished by longer imprisonment, according as the trespass requires.

XIV. Forasmuch as it has been used in some districts to outlaw the person appealed of commandment, force, aid, and receipt within the same term that he who is appealed of the deed should be outlawed ; it is provided and granted by the King, that none be outlawed upon appeal of commandment, force, aid, or receipt, until he that is appealed of the deed be attainted, so that one and the same law be used therein through the whole land ; nevertheless he that appeals, by reason Proceedings in appeal.

¹ This addition appears in other MSS.

pchein Conte vers ceaus aussi bien com vers les appelez del fet, mes le exigende de ceaus demeorge iesques ataunt q les appelez del fet seient atainz par vtlagherie ou autrement. C. Pur ceo q les viscontes & autres qi vnt pris e detenue en p'son genz rettez de felonies & meinte foiz ont lesse la gent q ne sunt mie repleuisables e ont detenuz en prison ceaus q estoient repleuisables par acheson de gaigner des vns & de greuer les autres, Et p^r ceo q auant ces vres ne fu mie l'mine steinemēt queus furent repleuisables & queus noun, hors pris ceaus q estoient pris por mort de home ou par comaundement le Rey ou de ses Justices ou por la foreste; purueu est & comaunde par le Rey q les prisons q sunt auant vtlagez & ceus q eient foriure la tere Prouurs toz¹ q sont pris ou meinoure ceaus q vnt depesce la p'son le Rey larons apertement escriez & notoyres & ceaus q sont appelez de prouurs taunt come le puur vist sil ne seient de bone fame e ces q sont pris pur arson felonnesement fete ou p^r fause moneye ou fauseours del seel le Rey ou escomenge pris par priere le Eueske ou pur aperte mauueiste ou treson q touche le Rey mesme ne seient en nule manere repleuisables par le Comun bref ne saunz brief, mais ceaus q soient enditez de larcin par enqueste des viscontes ou des bailliz prises de lur office ou pur legiere suspecion ou pur petit larcin q ne amonte a la value de duze deners sil ne seit rette de larcin auant cel heure ou rette de recettement des felons ou del comaundement ou de la force ou del aide fete ou des autres des trespas pur le quel om ne deit pdre vie ne membre, Et home appelle de prouur puis la mort le prouur sil ne seit apert laron escrie seit desoremes lesse par suffisaunte pleuine dont le visconte veille respondre & ceo saunz rien doner de lour. Et si viscontes ou autres lessent par pleuine nul q ne seit repleuisables si ceo seit visconte Conestable ou autre baillif de feo q eit garde des

¹ Interlined.

of this, shall not intermit the prosecution of his appeal at the next County Court against them, as well as against those appealed of the deed ; but that their exigent remain, until those who are appealed of the deed be attained by outlawry or otherwise.

XV. Forasmuch as sheriffs, and others, who have taken and kept in prison persons accused of felonies, and frequently have let out such as were not repleviable, and have kept in prison such as were repleviable, because they would gain of the one and injure the other ; and forasmuch as before this time it was not certainly determined who were repleviable, and who not, but only those that were taken for homicide, or by command of the King, or of his justices, or for the forest ; it is provided, and by the King commanded, that the prisoners who before were outlawed, and those who have abjured the realm, approvers, all who are taken with the mainour, those who have broken the King's prison, thieves openly proclaimed and notorious, and those who are appealed of approvers, so long as the approver lives (if they be not of good fame), and such as are taken for arson feloniously done, or for false money, or for counterfeiting the King's seal, or persons excommunicate, taken at the request of the Bishop, or for manifest evil-doing, or treason touching the King himself, be in no wise repleviable by common writ, or without writ. But that those that are indicted of larceny, by inquests taken before sheriffs or bailiffs by reason of their office, or on slight suspicion, or for petty larceny that does not amount above the value of twelve pence, if they were not indicted of larceny aforetime, or indicted of receiving of felons, or of commandment, or force, or of aid given, or of other of the trespasses for which one ought not to lose life or limb, and a man appealed of an approver after the death of the approver (if he be not openly a proclaimed thief), from henceforth be let out by sufficient surety, whereof the sheriff will be answerable, and that without giving ought of their goods. And if the sheriffs, or others, let any go at large by surety, who are not repleviable, if he be sheriff, constable, or other bailiff of fee, that has keeping of prisoners, and thereof be attained, he shall

Bailment of
prisoners.

Offenders not
bailable.

Offenders
bailable.

p'sons e de ceo seit ataint, perde le feo e la baillie a toz iours. Et si visconte Conestable ou baillif ou celi qad cel feo pur garder les p'sons eit ceo fet saunz la volente son seynr ou autre baillif q ne seit de feo, eit la p'son de treis aunz e seit reint a la volente le Rey. Et si nul detient les prisons repleuisables puis q le prison eit offert soffisaunte seurte il serra en la greue fici le Rey. Et si il prent louer por le deliuerer, il rendra le double al prison e ensement serra en la g^{ue}ue merci le Rey. C. Endroit de ceo q aukunes gens pnent e prendre font les auers de autri e les enchacent hors del Conte ou les auers serront pris; purueu est q nul ne le face e si nul le fet, seit greusement reint solum q il est contenu en les estatuz de marleberge fez en tens le Rey Henri piere le Rey q ore est. Et par mesme la manere seit fet de ceaus q pernent les auers e q font destresce en autri feo plus greusement soient puniz si la manere del trespas le demaunde. C. Purueu est ensemēt q si nul desoremes prengne les auers de autri e les face chacier a Chastel ou a forcelet e ileokes dedenz le Clos del Chastel ou del forcelet les detaingne encontre gage e plegge puis q les auers sont solempnement demaunde par le visconte ou par autre baillif le Rey a la suite del pleintif q le visconte ou le baillif pris oue lui poer de son Conte ou de sa baillie voyst asayer de fere la pleuine des auers a celui q pris les auera ou a son seynr ou as autres des homes son seynr qi onques seit troue ou les auers serrunt chacez e si lem deforce, adonkes la deliuerance des auers ou kil ne troesse home pur le seynur ou pur celui q les auera pris qi enrespoingne e face la deliuerance apres ceo q seynr al¹ pnur par visconte ou par baillif en serra amoneste sil est en pais ou pres ou kil porra par le pernur ou par autre des seons couenablement estre garniz de fere la deliuerance sil fust hors de cel pais q^{nt} la prise fu fete e en face adonkes

¹ Ou in other MSS.

lose the fee and the bailiwick for ever. And if the sheriff, constable, or bailiff, or he who has such fee for keeping of prisoners, have done this without the will of his lord, or other bailiff that is not of fee, he shall have three years' imprisonment, and be fined at the King's pleasure. And if any detain repleviable prisoners after that the prisoner have offered sufficient surety, he shall be in the grievous mercy of the King. And if he take reward for the deliverance, he shall pay double to the prisoner, and also shall be in the grievous mercy of the King.

XVI. Because that some persons take, and cause to be taken, the beasts of another, and drive them out of the county where the beasts shall be taken, it is provided that none do so; and if any do it, that he be heavily fined, according to what is contained in the Statutes of Marlborough, made in the time of King Henry, father to the King that now is. And in the same manner that it be done to them who take beasts, and distrain in the fee of another, that they be more heavily punished, if the manner of the trespass do so require. Distress out
of the county.

XVII. It is provided also, that if any from henceforth take the beasts of another, and cause them to be driven into a castle or fortalice, and there within the close of the castle or fortalice detain them against gage and pledge, after that the beasts are solemnly demanded by the sheriff, or by some other bailiff of the King, at the suit of the plaintiff, the sheriff or bailiff, taking with him the posse of his county or of his bailiwick, attempt to make replevin of the beasts from him that shall have taken them, or from his lord, or from others, being men of his lord, whoever he be, found where the beasts shall be driven. And if any deforce him then of the deliverance of the beasts, or that no man be found for the lord, or for him who shall have taken them, who would answer and make the deliverance, after such time as the lord [or] taker shall be thereto warned by the sheriff or bailiff, if he be in the country, or near, or that he can be conveniently warned by the taker, or by any other of his own people to make deliverance, if he were out of that country when the taking took place, and did not then cause the Remedy if
distress be
impounded in
a castle.

maintenaunt les auers deliuerer q̄ le Rey por le despit e por le trespas face a batre le Chastiel ou le forcelet saunz releuer e tut le damage q̄ le pleintif auera receu de ses aîs ou de son gaingnage desturbe ou en autre manere puis la p̄mère demaunde des aîs fete par le visconte ou par le baillif li seient restorrez al double de celui q̄i les auera pris sil ad de quei. Et si nad de quei, del seynur quel oure ou en quele maîe la deliuerance seit faite apres ceo q̄ le visconte ou le baillif serra venu pur la deliuerance fere. Et fet a sauver q̄ la ou le visconte deuora fere return del brief le Rey al baillif le seynr del Chastel ou del forcelet ou a autre a q̄i le return del brief le Rey a ceo apent, Si le baillif de cele fraunchise ne face la deliuerance pui³ qil leuera receu, eit le visconte cel office saunz delai si com il est auantdit e sur lauaundite peine. Et par mesme la manere seit fet la deliuerance par attachemenz de plainte fete saunz brief e sur mesme la peine, e ceo fet a entendre par tut la ou le brief le Rey Curt. Et si ceo est en la marche de Gales ou aillurs la ou le brief le Rey ne curt mie, le Rey q̄i en est souerein seynr en fra dreit a ceaus q̄ pleinde se voudront. C. Pur ceo q̄ la cōmune fin e le amerciement de tut le Conte en eyre de Justices pur faus iugement ou por autre trespas est assis par viscontes barators des Contez malement ensint q̄ la somunse est meinte foiz encrue e les parcelles autremēt assises q̄ estre ne deusent al damage del people e plusors foiz paie as viscontes barettors q̄ point ne¹ les aquitent; purueu est e voet li Reys q̄ desoremes en eyre de Justices deuaunt eaus auant lor departir seit cele somunse assise par serement des Chiualers e des prodes homes sor tuz ceaus q̄ eskoter ideueront e Justices f[acent]² mettre les parcelles en lur estretes qil liueront al Escheker non pas la somōse totale. C. Endreit des viscontes e autres q̄ respoingnūt par lour mayns al Escheker e q̄i vnt receu de les dettes le Reÿ henri piere le Rey

¹ Interlined.
² Obliterated.

beasts to be straightway delivered, that the King, for the despite and the trespass, cause the castle or fortalice to be battered down beyond recovery; and all the damage that the plaintiff shall have sustained in his beasts, or in the disturbance of his wannage, or in any other manner, after the first demand for the beasts made by the sheriff or bailiff, be restored to him double by him who shall have taken them, if he have whereof. And if he have not whereof, that he have it of the lord, at what time, or in what manner the deliverance be made, after that the sheriff or bailiff shall come to make deliverance. And it is to be understood, that whereas the sheriff ought to return the King's writ to the bailiff, the lord of the castle, or fortalice, or to any other, to whom the return of the King's writ in this behalf belongs, if the bailiff of that franchise make not deliverance after that he shall have received it, then that the sheriff have that office without delay, as is aforesaid, and upon the aforesaid penalty. And in like manner that deliverance be made by attachments of plaint made without writ, and upon the same penalty; and this is to be attended to in all places where the King's writ runs. And if this be done in the march of Wales, or in any other place, where the King's writ runs not, the King, who is Sovereign Lord, shall do right therein unto those who will make complaint.

XVIII. Forasmuch as the common fine and amercement of the whole county, in the eyre of the justices, for false judgment, or for other trespass, are unjustly assessed by sheriffs barrators in the counties, so that the summons is many times increased, and the parcels otherwise assessed than they ought to be, to the damage of the people, and many times payment is made to the sheriffs barrators, who do not acquit them; it is provided, and the King wills, that from henceforth in the eyre of the justices, before them, prior to their departure, such summons be assessed by the oath of knights and good men, upon all those who ought to pay; and that the justices cause the parcels to be put into their estreats, which they shall deliver to the Exchequer, and not the total summons. Assessing of common fines on the county.

XIX. With respect to the Sheriffs, or others, who answer by their own hands to the Exchequer, and who have received the debts of King Henry, father of the present King, [or the King's own debts before this Acquittance of King's debtor on payment to Sheriff.

q ore est e q ne ont mie les detturs aquite al Escheke; purueu est q le Rey enueyra bone genz par tuz les Contez a oyr tuz iceaus q de ceo pleindre se vodront e a fminer ensint la bosoygne q ceaus q purrūt montrer qil eyent ensint paiey, a tuz iourz en seront quites le q̄l q les viscontes ou autres serront morz ou vifs en c^oteine fourme q lur serra baille. Et ceaus q issint lauerunt fet sil seient en vye, serront puniz greument e si il seient morz, lour heyres respoingnēt e seient chargez de la dette. Et comaund le Rey q les viscontes e les autres auandiz desoremes loiaument aquitēt les detturs al prochein acounte puis q̄ il auera la dette receu e adonkes seit la dette aloue al Escheke issi q mes iuengne en somonse. Et si visconte autrement le face e de ceo seit ataint, si rendra al pleintif le treble de ceo qil aue[ra d]¹e lui receu e seit reint a la volente le Rey. Et bien se garde chekun qil eit tiel receuour por qi il voudra respondre kar le Rey se prēdra del tut as viscontes e a lur heyra. Et si autre q respoingne par sa mayn al Escheke la face, si rende le treble al pleintif e seit reint en mesme la manere. Et q les viscontes facent tailles a tuz ceaus q li paeront la dette le Rey e q la somonse del Escheke a tuz les detturs q demaunder voudront la veue lor face montrer saūz vier le anuli; e ceo saunz rien doner e ki nel fra, le Rey se prendra a li greousement. C. Purueu est de meffesors de parks e de viuers q si nul seit de ceo ataint par la suite le pleintif seient esgarde bones e hautes amendes solum la manere del trespas e la p^oson de treys aunz, e de illoekes seit reint a la volente le Rey sil ad dont estre issint reint e lors truisse bone seurte q mes ne mefface et sil nad dont estre reint apres la p^oson de treis aunz, troue mesme la seurte. Et sil ne puisse trouer la seurte, foriurge le reaume. Et si nul de ceo seit rette seit futif e ne eit tere ne tenement par quei il puisse estre Justize; si tost come le Rey auera ceo troue par enqueste bono seit demaunde de Counte en Counte.

¹ Obliterated.

time),¹ and have not acquitted the debtors in the Exchequer ; it is provided, that the King shall send good men through all the counties, to hear all those who wish to complain thereof, and to determine the business in such a manner that those who can prove that they have so paid, be thereof acquitted for ever (whether the Sheriffs or others be dead or living), in a certain form that shall be delivered them. And that those who have [not] so done (if they be living) shall be heavily punished ; and if they be dead, that their heirs answer, and be charged with the debt. And the King commands, that Sheriffs and others aforesaid, from henceforth lawfully acquit the debtors on the next account after they shall have received the debt ; and then the debt be allowed in the Exchequer, so that it come no more into the summons. And if the Sheriff do otherwise, and thereof be attainted, he shall pay to the plaintiff thrice as much as he shall have received of him, and be fined at the King's pleasure. And let each take heed, that he have such a receiver as he will answer for ; because the King will take account of everything from the Sheriffs and their heirs. And if any other, that is answerable to the Exchequer by his own hand so do, he shall render treble to the plaintiff, and be fined in like manner. And that the Sheriffs make tallies to all those who shall pay their debt to the King ; and that the summons of the Exchequer be shewed to all debtors that will demand a sight thereof, without denying any, and that without giving anything ; and from him that will not do so, the King shall take heavily.

Tallies of
payment.
Shewing of
summons.

XX. It is provided in the case of trespassers in parks and vivaries, that if any be thereof attainted at the suit of the plaintiff, good and substantial damages be awarded according to the manner of the trespass, and that they have three years' imprisonment, and after be fined at the King's pleasure, if he have whereof to be so fined, and then find good surety, that he will not trespass again ; and if he have not whereof to pay the fine, after three years' imprisonment, that he find like surety ; and if he cannot find the surety, that he abjure the realm. And if any accused thereof be fugitive, and have no land or tenement whereby he may be made amenable to justice, so soon as the King shall find it by good inquest, that proclamation be made from county [court] to

Trespassers in
parks and
vivaries.

¹ This addition occurs in an English Exchequer MS.

Et si nul ne veut venir seit vtlæ. Et purueu est q si nul ne suit dedenz lan e le iour puis le trespas fet, le Rey auera la suite. Et ceaus q il entrouera rettez de ceo par bone enqueste, serront puniz par mesme la manere en tuz poinz si com desus est dit. Et si nul tiel meffesor seit ataint qil eit pris en parks bestes damasches ou autre chose en manere de Roberie en venaunt ou en demoraunt ou en retournant seit fet de lui comune lei com apiert a celui q est ataint de aperte roberie e larcin ausi bien a la suite le Rey come de autre. C. Endreit des teres des heyrz de denz age q sont en la garde lur seynur; purueu est q les gardeins les gardent e sustengnent saunz destruction fere en tote riça. Et q tels maneres de gardes seit fet en tuz poinz solum ceo q il est contenu en la graunt chartre des fraunchises le Rey henri piere le Rey q ore est, e issi seit usee desoremes e par mesme la manere seient gardez les Erceueschees Eueschees Abbeyes Eglises e dignetiez en tens de vacacions. C. Des heyrz dedenz age saunz le Gre de lur gardeins auant le age de q^{torze} aunz seit fet solum ceo qil est cōtenu en la porueaunce de Mertoñ. Et de ceo q front mariez saunz le gre de lur gardeins puis qil aueront passe q^{torze} aunz, le gardein eit la double value de son mariage solum la tenur de mesme la porueaunce. Estre ceo q ceaus qi aueront sostret le mariage rendent la dreite value del mariage al gardein por le trespas, Et ia le meins le Rey eyt les amendes solum mesme cele porueaunce de celi q lauera issi sustret. C. Des heyrz femeles puis q eles aueront acumpliz le age de xiiij aunz, Et le seynr a ki le mariage apent ne le voudra marier mes pur coueitise de la tere la vodra tenir desmarie; purueu est q le seynr ne puise auer ne tenir par acheson del mariage la tere a cels heyrz femeles outre deus aunz apres le p^{me} des auantdis quatorze aunz. Et si le seynr dedenz cels deus aunz ne les marie donkes eyent eles action de recouerir lor heritage quiteement saunz ren doner por la garde e por le mariage. Et si eles par malice ou par mauueys conseil ne se veillent par lor chief

county [court]; and if he will not come, that he be outlawed. It is provided that if any sue not within the year and day after the trespass committed, the King shall have the suit; and those whom he shall find guilty thereof by lawful inquest, shall be punished in like manner in all points as above-said. And if any such trespasser be attainted, that he has taken tame beasts, or any other thing, in parks, by way of robbery, in coming, tarrying, or returning, that the Common Law be executed upon him, as upon him that is attainted of open robbery and theft, as well at the suit of the King, as of another. Robberies therein.

XXI. With respect to lands of heirs under age, who are in wardship of their lord; it is provided that the guardians keep and maintain them (the lands) without making destruction of any thing; and that in the case of such manner of wards it be done in all points, as is contained in the great Charter of Liberties of King Henry, father to the King that now is, and that it be so used from henceforth. And in the same manner that Archbishopsrics, Bishoprics, Abbacies, Churches, and Dignities be kept in time of vacancy. Lands in ward to be duly kept.

XXII. In the case of heirs [married] under age, without the consent of their guardians, before the age of fourteen years, that it be done according as is contained in the Provision of Merton. And of those that shall be married without the consent of their guardians, after they shall have passed fourteen years, that the guardian have double the value of their marriage, according to the tenor of the said Provision. Moreover, that those who shall have withdrawn their marriage, pay the right value of the marriage unto their guardian for the trespass; and nevertheless that the King have the amends, according to the same Provision, of him who shall have so withdrawn. Marriage of Wards.

In the case of heirs female, after they shall have attained the age of fourteen years, and the lord, to whom the marriage belongs, will not marry them, but for greed of the land will keep them unmarried; it is provided, that the lord cannot, by reason of marriage, have or keep the land of such heirs female more than two years after the term of the said fourteen years. And if the lord within the said two years do not marry them, then that they have an action to recover their inheritance quit, without giving any thing for their wardship, and marriage. And if they of malice, or by evil counsel, will not be married by their Marriage of female wards.

seygn^r marier ou eles ne soient desparagez, q̄ le seygn^r tiengne la tere e le heritage iesques al age del madle cest a sauver de vint vn an e out^e taunt qil eit pris la value del mariage. C. Purueu est ensement q̄ en cite Burg vile feire marche ne seit nul home forein q̄ seit de cest reaume destreint [p^r dette]¹ dont il ne seit dettur ou plegge, e qi le fra, il serra greuement puni e saunz delai de la destresce deliure par les par les² Baillifs del lui ou par autres baillifs le Rey. C. Purueu est ensement q̄ nul eschetur visconte ne autre baillif le Rey par colur de son office saunz especial garaunt ou comaundement ou c̄tein auctorite q̄ apent a son office ne deseisse nul houe de son fraunk tenement ne de chose q̄ touche fraunk tenement. Et si nul le fet, seit a la volente le desaisi q̄ le Rey de son office le face amender a sa plainte ou qil eyt cōmune lei par brief de nouele deseisine. Et celui q̄ serra de ceo ataint il rendra les damages³ a mesme le pleintif e serra en la greue m̄ci le Rey. C. Nul ministre le Rey ne mainteingne par li ne par autre les plez poles ou bosoingnes q̄ sont en la Court le Rey de teres tenemenz ou de autre chose por auer part de ceo ou autre p̄fit par couenaunt fet entre eaus, e qi le fra seit puni a la volente le Rey. C. Et q̄ nul visconte ne autre ministre le Rey ne prenge louer por fere son office mes soient paiez de ceo qil prengent del Rey, e qi le fra, rendra le double e serra puni a la volēte le Rey. C. Et q̄ nul Clerk de Justice de Eschetour ou de enquerour nule riēs ne prengne por liuerer Chapitres hors pris solement Clers des Justices en lour eyre e ceo deus souz de cheskun Wapentacke Hundred ou vile q̄ respount par duze ou par sis solum ceo q̄ auncianemēt fut vsee. Et qi autrement le fra, rendra le treble de ceo qil auera pris e p̄dra la s̄uice son seygn^r par vn an. C. Et q̄ nul Clerk de Rey ne de ses Justices ne receiue desoremes presentement de Eglise dont plai ou contek seit en la Court

¹ In another MS.

² Words repeated in MS.

³ Three other MSS, read *double* here.

chief lord where they be not disparaged, then the lord may hold the land and inheritance until they have attained the age of an heir male, that is to say, of one and twenty years, and further until they have taken the value of the marriage.

XXIII. It is provided also, that in city, burgh, town, fair, or market, no man, who may be foreign of this realm, be distrained [for any debt] for which he is not debtor or pledge; and whosoever shall do it, that he be heavily punished, and without delay the distress be delivered by the bailiffs of the place, or by other the King's bailiffs. Distress for debt against aliens.

XXIV. It is provided also, that no Escheator, Sheriff, or other Bailiff of the King, by colour of his office, without special warrant or command, or authority certain pertaining to his office, disseise any man of his freehold, or of any thing belonging to his freehold. And if any do this, that it be at the will of the disseisee, whether the King by his office cause it to be amended at his complaint, or that he sue at Common Law by a writ of *Novel Disseisin*. And that he who shall be attainted thereof pay [double] the damages to the plaintiff, and be in the grievous mercy of the King. Unlawful disseisin by King's officers.

XXV. That no officer of the King by himself or by another maintain pleas, suits, or matters which are in the King's Courts, for lands, tenements, or other things, so as to have part thereof or other profit by covenant made between them; and he that does this, shall be punished at the King's pleasure. Champertry by King's officers.

XXVI. And that no Sheriff, or other the King's officer, take any reward for executing his office, but that they be paid of that which they take of the King; and he that shall so do, shall yield twice as much, and be punished at the King's pleasure. Extortion by King's officers.

XXVII. And that no clerk of a Justice, Escheator, or Inquisitor, take any thing for delivering articles, but only clerks of Justices in their eyre, and for this two shillings, of every wapentake, hundred, or vill that answers by twelve, or by six, according as it has been used of old time; and he that does contrary shall pay thrice as much as he shall have taken, and lose the service of his lord for one year. Extortion by clerks of justices.

XXVIII. And that no clerk of the King, or of his Justices, from henceforth receive the presentation of a church, as to which any plea Maintenance by officers of courts.

le Rey saunz le especial conge le Rey e ceo defent le Rey
 sour peine de perdre son suice. C. Et q nul Clerk de
 Justice ne de visconte ne meintengne parties en quereles
 ne en besoignes q sont en la Court le Rey ne fraude ne
 face par cōmune dreiture delaer ou destorbier. Et si nul le
 fet il serra puni par la peine plus pcheinement dite ou par
 plus greuouse si le trespas le requiert. C. Purueu est
 ensement q si nul fiaunt Cōtour ou autre face nul manere
 deceyte ou collusion q sont en la Court le Rey ou cōsente
 de fere la en deceyte de la Court por engingner la Court
 ou la partie, e de ceo seit ataint, lors eyt la prison de vn
 an e de vn iour e mes ne seyt oy en la Court a conter pur
 nuly. Et si ceo est autre q Contour par mesme la manere
 eyt la prison de vn an e de vn iour almeins. Et si le
 trespas demaunde greinure peine seit a la volente le Rey.
 C. Pur ceo q muls de genz se pleignent q les fiaunz
 Criurs de feo e les autres marchals des Justices en eyre¹
 des Justices pnent atort deners de ceaus q recourent seisine
 de tere ou q gaingnent lour quereles des fins leuez des Jurours
 vilees prisons e des autres attachez al ple de la Coroune
 autrement q fere ne deussent en mulz de maneres, Et de
 ceo qil iad plus graunt noumbre de ceaus q auer ne deust,
 par quei le pople est malement greue, le Rey q tiels choses
 ne soient fetes desoremes, e si nul seriaunt de fee le face le
 office seit pris en la main le Rey. Et si mareschaus des
 Justices le facent, soient puniz greuement a la volente
 le Rey, e a tuz les pleintifs lun e lautre rendra le
 treble de ceo qil auera issi pris. C. De ceaus q pernent
 out'iouse tounuz encontre cōmun vsage del reaume ou ville
 marchaunde; p'ueu est q si nul le face en la Court le Rey
 mesme q seit a fe ferme, le Rey prendra la f'unchise del
 marche en sa mein. Et si ceo est autri vile e ceo seit fet par
 le seynr de mesme la vile le Rey le fra par mesme la manere.
 Et si ceo fet par le baillif saūz comaundement le seynr, il

¹ Another MS. reads *et des autres here*.

or debate is in the King's court, without special licence of the King ; and this the King forbids, upon pain of losing his service.

And that no clerk of any Justice or Sheriff, maintain parties in any quarrels or matters which are in the King's court, or work any fraud, whereby common right may be delayed or disturbed. And if any so do, he shall be punished by the penalty last aforesaid, or more heavily, if the trespass do so require.

XXIX. It is provided also, that if any Serjeant counter, or other, ^{Deceits by} do any manner of deceit or collusion in the King's Court, or consent to ^{pleaders.} make it, in deceit of the Court, to beguile the Court, or the party, and thereof be attainted, he be imprisoned for a year and a day, and from thenceforth be not heard to plead in Court for any one. And if he be other than a counter, that he be imprisoned in like manner for a year and a day at least ; and if the trespass require greater punishment, it shall be at the King's pleasure.

XXX. Forasmuch as many complain that the serjeants criers of ^{Extortion by} fee, and the marshals of the Justices in eyre [and of other] ^{officers of} Justices take money wrongfully of those who recover seisin of land, or ^{courts.} of them that gain their suits, of fines levied of jurors, towns, prisoners, and of others attached upon pleas of the Crown, otherwise than they ought to do, in divers manners ; and forasmuch as [the Justices] have a greater number of them than they ought to have, whereby the people are sore grieved. The King [forbids] that such things be done from henceforth ; and if any serjeant of fee does it, his office shall be taken into the King's hand. And if the Justices' marshals do it, they shall be heavily punished at the King's pleasure ; and as well the one as the other shall pay to the complainants the treble value of what they shall have so taken.

XXXI. Touching those who take excessive toll, contrary to the com- ^{Excessive toll} mon custom of the realm, in market-towns ; it is provided, that if any ^{in market} do so in the court of the King himself, which is in fee-farm, the ^{towns.} King shall take into his own hand the franchise of the market. And if it be another's vill, and that this be done by the lord of the same vill, that the King shall do in like manner. And if it be done by the bailiff, without

rendra ataunt por la outraionse prise com il vousist auer pris de li si il eust enporte son tounu, e ouesques ceo il auera la p^lson de xl iours. C. Des Citeins e des Burgeys a ki le Rey ou son piere ad g^{nte} murage por lor vile enclore, Et q^l tiel murage prengnēt autrement qil lor est g^{nte}, e de ceo seit ataint; purueu est qil perdent cele grace de tut le tens q^l serra auenir e serrūt en la greuouse merci le Rey. C. De ceaus q^l p^{nt}ent vitaille ou nule riens al eos le Rey a creaunce ou a garnison del Chastel or aillurs [e k^{nt} il ount receu le paiement a la chekere, en garderobe ou aillors]¹ deteingnēt la paie des creaunceors a g^{nt} damage de eaus en esclaundre del Rey; purueu est q^l ceaus q^l ont teres e tenemenz q^l meinten- aunt seit ceo leue de lour teres e de lur chateaus e paie as creaunceors oue le damage qil aueront eus e soient reinz por lur trespas e sil neient teres ne tenemēz, soient en p^lson a la volente le Rey. C. De ceaus q^l p^{nt}ent ptie des dettes le Rey ou autres louers pernent des creaunceors le Rey por fere la paie de meame celes dettes; purueu est qil rendent le double e soient puniz greuement a la volente le Rey. C. De ceaus q^l pernent chiuaus ou Charettes a fere les cariages le Rey plus q^l mester ne serroit e pernent louer pur releasser les chiuaus ou les charettes; purueu est q^l si nul de la Court le face, il serra greuement chastie par les mareschaus e si ceo seit fet hors de la Curt ou par autre q^l il seit ataint si rendra le treble e serra en la p^lson le Rey xl iours. C. Purueu est q^l nul visconte ne seoffre baretour maintenir paroles en Conte ne seneschaus de g^{nt} seygnurs ne autre sil ne seit attorne son seygnur a suite fere ne rendre les Jugemenz des Contez ne pronücier les Jugemenz sil ne seit especialment prie e requis de ceo fere de tuz les suitiers e les attornez des suit^{rs} q^l i serront a la Jorneie e si nul le face, le Rey se prendra greuousement e al visconte e a luy. C. Pur ceo q^l plusors vnt souent troue e conte com troueurs dont descord e manere de descord ad este souent entre le Rey e son pople ou aukuns² homes de son reaume est

¹ This sentence occurs in all the other MSS. and old printed copies.

² Four other MSS. read *hautes* here. See *Stat. Realm.*

the command of the lord, he shall restore as much for the excessive taking, as he would have taken of him, if he had carried away his toll, and moreover have forty days imprisonment.

Touching citizens and burgesses, to whom the King or his father Murage had granted murage to enclose their vills, and who take such murage otherwise than it was granted unto them, and thereof are attainted; it is provided that they lose that privilege for all time to come, and be in the grievous mercy of the King.

XXXII. Concerning those who take victuals or other things to the King's use on credit, or for the provisioning of a castle, or otherwise, [and when they have received payment in the Exchequer, in the wardrobe, or elsewhere], they with-hold it from the creditors, to their great damage, and discredit of the King; it is provided that in the case of those that have lands and tenements, it be immediately levied of their lands, and of their goods, and paid to the creditors, with the damage they shall have sustained, and that they be fined for their trespass; and if they have no lands or tenements, that they be imprisoned at the King's will. Defaults of purveyors.

Concerning those who take part of the King's debts, or take other rewards of the King's creditors to make payment of the same debts; it is provided, that they pay the double thereof, and be heavily punished at the King's pleasure. Purchasing the King's debts.

Concerning those who take horses or carts for the King's carriage more than need be, and take rewards for releasing such horses or carts; it is provided, that if any of the Court so do, he shall be heavily punished by the marshals; and if it be done out of the Court, or by another and he be thereof attainted, he shall pay treble, and remain in the King's prison forty days. Purveyance of horses and carts.

XXXIII. It is provided, that no Sheriff suffer any barrator to maintain suits in the county [court], neither seneschals of great lords, nor other (unless he be attorney for his lord) to make suit, or to give judgments in the county [courts], or to pronounce judgments, if he be not specially prayed and required to do this by all the suitors, and attorneys of the suitors, who shall be in Court; and if any do so, the King shall punish heavily both the Sheriff and him. Barrators at County Courts.

XXXIV. Forasmuch as many are oftentimes found and accounted inventors of tales, on account of whom discord, and occasion of discord, have many times arisen between the King and his people, or some [great] men of his realm; by reason of the injury that has Slandorous reports.

defendu pur le damage q̄ ad este e vncore purreit auenir q̄ desorenauant nul ne seit si hardi de dire ne de contier nule fause nouele ou controueuere dont nul descord ou maniere de descord ou desclaundre puisse sourdre entre le Rey e son pople ou les hauz houmes de son reaume, Et ki le fra, seit pris e detenuz en p̄son iesques ataunt q̄ il eit troue celuy en la Court dont la parole serra meu. C. Des hauz houmes e lour bailliz e des autres hors pris les ministres le Rey qi especiale auctorite est done de ceo fere q̄ a la plainte de aukuns ou par lur auctorite demeine attachent autres ou lour biens trespasaunz par lour poer a respondre deuaūt eaus des Contraks couenautes e des trespas fet hor de lour pouer e iurisdiction la ou il ne tiengnent rien de eaus ne dedenz la franchise ou lour poer est en βiudice le Rey e de la coroune e al damage del pople; purueu est q̄ nul desoremes nel face, Et aukun le fet il rendra a celui q̄ serra attache son damage al double e serra en la greue merci le Rey. C. Pur ceo q̄ auant ces vres ne fut vnkes resonable aide a fere fiuz chiualers ou a filles marier mise en c̄tein ne q̄nt ele deuoit estre prise ne quel houre par quei les vns leuerent outraiose aide plus tost q̄ ne sembloit mes̄ dont le pople se senti greuee; purueu est q̄ desoremes de fee de chiualer entier solement soient donez vint souz e de vint liurees de tere tenues par socage vint souz e de pl̄ plus e de meins, solum le afferaunt e q̄ nul ne puisse leuer tiel aide de fere son fiuz chiualer taunt q̄ son fiz seit de age de quinze aunz ne a sa fille marier taunt q̄ ele seit de age de set aunz, Et de ceo serra fet mencion en le brief le Rey forme sur ceo q̄nt il le veille demaunder. Et sil auent q̄ le piere q̄nt il auera leue tiel ayde de ses tenaunz meorge auant q̄ il eyt sa fille marie les essecutors le piere soient tenuz a la fille entaunt com le piere auera receu e si les biens ne soffisent, le heir seit tenu de ceo a la fille. C. Purueu est e acorde ensement q̄ si nul houe se soit ataint de deseissine fete en tens le Rey q̄ ore est ou roberie de nul maner de chatel ne de meoble par reconisaunce de assise de nouele deseissine le iugement seit tiel q̄ le pleintif recouera sa seissine e ses

and still may happen, it is forbidden, that from henceforth any be so presumptuous as to tell or publish any false news or tale, whereby discord, or occasion of discord or slander may grow between the King and his people, or the great men of his realm; and he that shall so do, that he be taken and kept in prison, until he have brought into Court, him by whom the tale shall have been set in motion.

XXXV. Concerning great men and their bailiffs, and others (the King's officers excepted, unto whom special authority is given to do so) who at the complaint of some, or by their own authority, attach others passing with their goods through their jurisdiction, to answer before them of contracts, covenants, and trespasses, done out of their power and jurisdiction, where they hold nothing of them, or within the franchise, where their power is, in prejudice of the King and his crown, and to the damage of the people; it is provided, that none from henceforth do so; and if any so do, he shall pay to him who shall be attached, his damages double, and shall be in the grievous mercy of the King.

XXXVI. Forasmuch as heretofore, there was not any reasonable aid, for making sons knights, nor for marrying daughters, arranged for certain, neither how much should be taken nor at what time, whereby some levied excessive aid, [and] sooner than seemed necessary, whereby the people felt themselves grieved; it is provided that henceforth of the whole fee of a knight, twenty shillings only be given, and of twenty librates of land held in socage, twenty shillings, and of more, more; and of less, less, according as they assess it; and that none can levy such aid for making his son a knight until his son be fifteen years of age, nor for marrying his daughter until she be of the age of seven years; and that mention be made of that in the King's writ founded thereupon, when any will demand it. And if it happen that the father, after he shall have levied such aid of his tenants, die before he has married his daughter, that the executors of the father be bound to the daughter for so much as the father shall have received, and if [the father's] goods be not sufficient, that the heir be bound therein to the daughter.

XXXVII. It is provided also and agreed, that if any man be attainted of disseisin done in the time of the King that now is, with robbery of any manner of goods or movables, by recognition of assise of *Novel disseisin*, the judgment be such, that the plaintiff recover his seisin

Punishment
for exceeding
the lawful
jurisdiction of
franchisees.

Aids for
knighthood
and marriage.

Disseisin with
robbery or
with force.

damages ausi bien des chateaus e del moeble auantdit com del eel, Et le desesisur seit reint le quel q il seit p̄sent ou noun, issi q si il seit enp̄sēt primes seit agarde a la prison. Et par mesme la manere seit fet de desesine fet a force e armes tut ne face om roberie. C. Pur ceo q aukune genz de la tere doutent meins de faire faus s̄ement q fere ne deussent p^r quei mult de gent sont desheritez e pdent lour droit; purueu est q desoremes le Rei de son office dorra āteintes sur les enquestes en plai de tere ou de fraunchise [ou de chose]¹ q touche fraunk tenement q^{nt} il li semblera q bosoigne seit. C. Et pur ceo q le tens est mult passe puis q les briefs de suz nomeez furent aut^efeiz limitez; purueu est q om conte de decante en le brief de droit q nul ne seit oy por demaunder la seisine son auncestre de plus lointein seisine q del tens le Rey Richard oncle le pere le Rey q ore est, e q le brief de nouele desesine e de porpartie q est apelle nup obiit eient le terme puis le primer passage le Rey Henry pere nostre seign^r le Rey q ore est en Gascoynge. Et le brief de mort dauncestre de cosinage del Ael e de entre e brief de Neiuete eyent le t̄me del Corounemēt le Rey Henri e ne mie auant, mes q tuz les briefs ore aparmesme² ou q lem p^rchacera entre ci e la seint Johan en vn an soient pledez del tens q auant soleient estre pleidez. C. Et pur ceo q mulz de genz sont delaez de lour droit pur fausement voucher garaunt; purueu est en brief de possession tut a primes si com en brief de mort dauncestre cosinage del Ael nup obiit de entrusion e en autres briefs semblables par les queus teres ou tenemenz soient demādez q deiuent decendre reuertir remeindre ou escheir par mort dauncestre ou de autre q si le tenaunt vouche a garaunt e le demaundaunt le contre pleide e veille auerrier par assise ou par pais ou en autre manere si com la Court le Rey agardera q le tenāt ou son auncestre q heyr il est fust le primer ki entra apres la mort celui q seisine il demaunde, seit la verrement

¹ These words occur in another MS.

² Purchase in another MS.

and his damages, as well of the goods and movables aforesaid, as of it [the freehold], and the disseisor be fined, whether he be present or not, provided that if he be present, he be first committed to prison. And that in like manner it be done of disseisin with force and arms, although it be not done with robbery.

XXXVIII. Forasmuch as certain people of the land hesitate less than they ought to, about taking a false oath, whereby many are dis- Attaints on inquests in pleas of land. herited, and lose their right; it is provided, that the King, of his office, from henceforth grant attaints upon Inquests in pleas of land, or of franchise, [or of anything] touching freehold, when it shall seem to him necessary.

XXXIX. And forasmuch as it is a long time since the writs under- Limitations of prescription. named were formerly limited; it is provided, that [in] the narration of descent in a writ of Right, none be heard to demand the seisin of his ancestor, as to a seisin earlier than the time of King Richard, uncle to the father of the King that now is; and that the writ of *Novel Disseisin*, and that of *Purparty*, which is called *Nuper Obiit*, have their limitation from the first voyage of King Henry, father to our lord the King that now is, into Gascony. And that the writ of *Mortd'ancestor*, of *Cosenage*, of *Aiel*, of *Entry*, and of *Neifty*, have their limitation from the coronation of King Henry, and not before. Nevertheless that all writs now purchased or that shall be purchased between this and the feast of St. John, for one year, be pleaded as from the time that heretofore they have been used to be pleaded.

XL. Forasmuch as many people are delayed of their right by false vouching to warranty. vouching to warranty; it is provided, that in writs of Possession, first of all, as in writs of *Mortd'ancestor*, *Cosenage*, *Aiel*, *Nuper Obiit*, *Intrusion*, and other like writs, whereby lands or tenements are demanded which ought to descend, revert, remain, or escheat by the death of an ancestor, or of other, if the tenant vouch to warranty, and the demandant counterplead him, and will aver by assise, or by the country, or otherwise, as the King's Court shall award, that the tenant, or his ancestor (whose heir he is) was the first that entered after the death of him, the seisin of whom he demands; that the averment of the demand-

del demaundaunt receu si le tenaunt le veille atendre; si ceo noun, seit bote vtre a autre respons sil ne eit son garaunt en present q il voille graunter de son gre e maintenant entrer en respons sauue al demaundaũt ses exceptions encontre li sil voille voucher outre com il auoit auant com le primer tenaunt. C. De rechief en totes maneres des briefs de Entre font mencion des degroz q nul desoremes ne voucho hors de la lingne. En autre briefs de entre q la ou nule mencion nest fet des degrez les queus briefs ne soient sostenuz fors la ou les auaundiz briefs des degrez ne poent gisir ne lui tenir de dreyt. C. Et en brief de droit purueu est q si le tenaunt vouche a garaunt e le demaundaunt le veille contrepleider e seit prest de auerr^o par pays q celi q est vouche ou ses auncestres vnkes naueyent seisine de la tere ou del tenement demaunde fee ne fuisse par la meyn le tenaunt ou de ses auncestres puis le tens cely de qi seisine le demaundaunt conte iesques al tens q le brief fu purchace e le ple meü, par quei il poent auerrer q le tenaunt ou ses auncestres feoffez seit laverrement del demaundaunt receu si le tenaunt le veille attendre. Si ceo noun, seit le tenaunt bote a autre respons sil neit son garaunt enßent qil voille garauntir de son gre et maintenant entrer en respons sauue al demaundaunt ses excepcions encountre li si com il auoit auant encontre le primer tenaunt. Et lauaunt dit excepcion eit lui en brief de mort de auncestre e en autres briefs auant nomez ausi bien com en briefs q touchent droit. Et si le tenaunt par cas eyt chartre de garauntie de autre houme de coste q se seit oblige en nul de les auaunt diz cas a la garauntie de son eindegre sauue li seit son recouerir par brief de garauntie de chartre de la Chauncellerie le Rey qnt il voudra purchacer mes q le plai ne seit por ceo delaie. C. De sment de Champyons est porueu pur ceo q relement auient q le Champion al demaundaunt ne seit piurs einz ceo q il iure q il ou son pere vit la seisine son seyngr ou de son auncestre, e son pere lui comaunda fere la desrene q mes ne seit le Champion al

ant be received, if the tenant will abide thereby, and if not, that he be further put to another answer, if he have not his warrantor present, who will freely warrant him, and immediately enter in answer, saving to the demandant his exceptions against him, if he will vouch over, as he had before in the case of the first tenant.

That from henceforth in all manner of writs of Entry [which] make mention of degrees, none vouch out of the line. In other writs of Entry where no mention is made of degrees; such writs shall not be maintained, save where the aforesaid writs of degrees cannot lie, nor of right hold place.

In writs of entry, no voucher out of the line.

And in a writ of Right it is provided, that if the tenant vouch to warranty, and the demandant will counterplead him, and be ready to aver by the country, that he that is vouched, or his ancestors, never had seisin of the land or tenement demanded, fee or service by the hand of the tenant, or his ancestors, since the time of him, of whose seisin the demandant declares, until the time that the writ was purchased, and the plea moved, whereby he might aver that the tenant or his ancestors were enfeoffed, that the averment of the demandant be received, if the tenant will abide thereby. If not, that the tenant be put to another answer, if his warrantor be not present who will freely warrant him, and immediately enter in answer, saving to the demandant his exceptions against him, as he had before against the first tenant. And that the said exception have place in a writ of *Mortd'ancestor* and in the other writs before-named, as well as in writs that concern right. And if perchance the tenant have a charter of warranty of another collateral, who is bound in none of the cases before mentioned to the warranty of his own accord; that his recovery, by a writ of warranty of charter out of the King's Chancery be saved to him whenever he will purchase it; howbeit that the plea be not therefor delayed.

Counter-pleading to voucher in writ of right.

XII. Touching the oath of champions, forasmuch as it seldom happens, but that the champion of the demandant is forsworn, in that he swears, that he or his father saw the seisin of his lord, or of his ancestor, [and that] his father commanded him to dereign; it is provided that from henceforth the champion of the demandant be not compelled to swear to it: nevertheless that his oath be kept in all other points.

Champion's oath.

demaundaunt destreint a ceo iurer mes seit le sment garde en tuz ses autres poinz. C. Pur ceo q en briefs de assises e de atteintes e iurees de vtrum les iurors sont trauaillez par assoigne des tenaunz ; purueu est q del houre qil eit vne fiez apparu en Court q mes ne puisse essoneyr mes face attorne a suire pur li sil veille ; si ceo noun, seit le assise ou la iuree prise par la defaute. C. Pur ceo q les demaundaunz sont souentefoiz delaez de lour dreit por ceo qil iad plusors parceners tenaunz iointement feoffez ou nul ne siet son seueral dont nul ne poet respondre saunz autre ou q il iad plusors parceners tenaunz iointement feoffez ou nul ne siet son seueral e ceus tenaunz souent fourchent par assoingne, issi q cheskun eyt vn assoingne purueu est q desoremes i ceaus tenaunz ne eyent assoingne, fors q a vne iournee e nient plus q vn soul tenaunt issi q mes puissent fourcher for taunt seulement ad vn assoigne. C. Pur ceo q mulz de genz se font fausement assoingner de vtre mer la ou il furēt en Engleterre le iour de la somonse, purueu est q desoremes q tiel assoingne ne seit pas del tut alouwe si le demaundaunt le Challenge e prest est de auerrer qil fut en Engleterre le iour q la somonse fu fete e treis semaines apres mes seit a iorne en ceste fourme q si le demaundaunt a tiel iour suie la verrement par pais ou si com la Court le Rey agardera e seit ataint q le tenaunt fut dedenz les quatre meers le iour qil fu somons e tres semaines apres, issi q il poeit estre resonablement garni de la somonse seit le assoingne turne en vne defaute e ceo fet a entendre taunt seulement deuaunt Justices. C. Des delais en tote maners de brefs de attachement est purueu q si le tenaunt ou le defendaunt apres le attachement tesmoingne face defaute q meintenaunt seit le graunt destresce agarde e si le visconte ne respoingne soffisaument al iour, seit greuousemēt officie. Et sil maunde qil ad fet le execucion en due manere e les issues baillez as mainpernors adonkes seit maunde al visconte q al autre iour face venir les issues deuaunt Justices e si le attache veut sauuer ses defautes eit les issues e sil ne

XLII. Forasmuch as in writs of *Assise*, *Attaints*, and juries of *Utrum*, No essoin by jurors are troubled by reason of the essoins of tenants ; it is provided, tenants after that after the tenant has once appeared in Court he be no more essoined, appearance. but make his attorney to sue for him, if he will ; if not, let the assise or jury be taken by default.

XLIII. Forasmuch as demandants are oftentimes delayed of their right by reason that there are many parceners tenants, jointly en- ^{essoins by} feoffed, where none knows his several, no one of whom can be compelled ^{parceners, &c.} to answer without the other, or there are many parceners tenants, jointly enfeoffed, where none knows his several, and such tenants oftentimes fourch by essoin, so that each of them has an essoin ; it is provided, that from henceforth those tenants do not have essoin, but at one day, and no more than one sole tenant ; so that they can no more fourch, but only have one essoin.

XLIV. Forasmuch as many persons cause themselves falsely to be essoined for being over the sea, whereas they were in England the day ^{essoins of} of the summons ; it is provided from henceforth, that such essoin be not ^{ultra mare.} always allowed, if the demandant challenge it, and be ready to aver that he was in England the day the summons was made and three weeks after ; but that it be adjourned in this form : that if the demandant at such a day prosecute the averment by the country, or as the King's Court shall award, and it be proved that the tenant was within the four seas the day that he was summoned, and three weeks after, so that he might be reasonably warned of the summons, the essoin be turned into a default ; and this is to be understood only before Justices.

XLV. Concerning delays in all manner of writs of attachment, it is provided, that if the tenant or defendant, after the attachment, make ^{Process to} default, that straightway the great distress be awarded ; and if the sheriff ^{compel} do not make sufficient return by the day, that he be heavily amerced ; and ^{appearance.} if he return, that he has made execution in due manner, and the issues delivered to the sureties, then that the sheriff be commanded, that he cause the issues to come before the Justices at another day, and if the party attached come to save his defaults, that he have the issues ; and if

veut eit le Rey les issues. Et Justices a les plez le Rey les facent liuerer en garde robe. Justices del Baunc a Weymostier les facent liuerer al Eschequer. Justices en Eyre al visconte de cel Counte ou il pleident ausi bien de cel conte com de foreins Countiez e de ceo seit charge en somonse par roule des Justices. C. Purueu est ensement e par le Rey comande q Justices al Baunc le Rey e Justices del Baunc a Weymostier parpleyden les plez aterminez a vn iour einz ceo q riens seydt attame ou comence des plez del iour ensiuaunt hors pris q les assoingnes soient entrez iugez e renduz. Et par acheson de ceo nul houte se fie q il ne viengne a son iour q done lui est. O. Purueu est ensement q si nul desoremes purchace brief de nouele deseisine e si celui sur qi le brief vient com principal deseisisour meorge auant q le assise seit passe q le ploutif eyt son brief de ent^e funde sur deseisine sour le heyr ou sour les heyrs al deseisisour de quel age qil soient en mesme la manere eit le heyr ou les heyrs al deseisi lour brief de entre sur les deseisisours de quel age qil soient si par auenture le deseisi meorge auant qil eit son purchaz fet. Issi q pur le noun age de heyrs de vne part e de autre ne seit le brief abatu ne le plai delaie mes a q^{nt} lom poet saunz lei offendre seit haste pur la fresche suite apres la deseisine. En mesme la manere seit cel point garde endroit de prelaz gent de religion e autres as queus teres ou tenemēz en nule manere puissent devenir apres autri mort le quel qil soient deseisiz ou deseisisors. Et si les parties en pleidaunt decendent en enqueste e ele passe encontre le heyr [dedenz age e nomeemēt encontre le heyr] al deseisi, qil en tiel cas eit lateinte de la grace le Rey. C. Si gardein chief seyngr^r feoffe nul houte de la terre q est del heritage al enfaunt q est de denz age e en sa garde a la deseriteson del heyr, purueu est q le heyr maintenaunt eyt son recouerir par bref de nouele deseisine ver son gardein e ver le tenaunt e seit la seisine baille par Justices si ele seit recolee al pchein ami

he come not, that the King have the issues. And that the Justices of the King's Pleas cause them to be delivered in the Wardrobe; and the Justices of the Bench at Westminster cause them to be delivered to the Exchequer; and the Justices in eyre unto the sheriff of that county where they plead, as well of that county as of other counties, and be charged therewith in summons by the roll of the Justices.

XLVI. It is provided also, and commanded, by the King, that the Justices of the King's Bench and the Justices of the Bench at Westminster decide pleas atterminable at a certain day, before any matter be entered upon or commenced, of the pleas of the day following, saving that the essoins be entered, judged, and allowed; but by reason hereof, let none presume that he come not at the day given to him. Order of hearing pleas.

XLVII. It is provided also, that if any from henceforth purchase a writ of *Novel disseisin*, and he against whom the writ was brought as principal disseisor, die before the assise be passed, that the plaintiff have his writ of *Entry* grounded upon disseisin against the heir or heirs of the disseisor, of what age soever they be. In the same manner the heir or heirs of the disseisee have their writ of entry against the disseisors, of what age soever they be, if peradventure the disseisee die before he has made his purchase; so that for the nonage of the heirs of the one party, and of the other, the writ be not abated, nor the plea delayed; but as much as a man can without offending the law, haste must be made to make fresh suit after the disseisin. In like manner, that this point be observed towards prelates, men of religion, and others, to whom lands or tenements can in no wise descend after others' death, whether they be disseisees or disseisors. And if the parties in pleading come to an inquest, and it pass against the heir [under age, and especially against the heir]¹ of the disseisee, that in such case he have an attaint by the King's grace. Non-age of heirs in disseisin.

XLVIII. If a guardian, being the chief lord, enfeof any man of land, that is the inheritance of an infant who is under age, and in his wardship, to the disherison of the heir; it is provided, that the heir forthwith have his recovery by writ of *Novel Disseisin* against his guardian, and against the tenant; and the seisin be delivered by the Justices, if Unlawful feoffment of lands in ward.

These words occur in four of the principal MSS See *Stat. Realm.*

a ki le heritage ne purra decendre pur apruer al eos lenfaunt e a respondre al heyr des issues com il vendra a son age e le gardein pde a tote sa vie la garde de mesme la chose recouere e de tut le remenaunt del heritage qil tient en noun del heyr. Et si autre gardein q chief seyngr le face, pde la garde de tote cele chose e seit a greue peine dever le Rei. Et si lenfaunt seit aloingne ou destourbe par le gardein ou par le feoffe ou par aut^e par quei il ne puisse sasise suire, siue par lui vn de ses procheins amis q voudra e seit receu. C. En bref de douayre dont dame riens nad mes ne seit le bref abatu par excepcion del tenaunt por ceo q ele auera receu son douayre de aut^e houte auant son bref purchace sil ne puisse mostrier q ele eyt receu partie de douayre de li mesme e en mesme la vile auant son bref purchace. C. Et pur ceo q le Rey fet cels choses al honur de dieu e de seint Eglise e pur le cōmun prou e le aleiaunce de ceus q greuez sont il ne voet mie q autre foiz puissent tourner a p̃iudice de lui ne de la coroune mes q les dreiz q li apportiengnēt li soient sauuez en tuz ses aut^s poinz. C. Et pur ceo q graunt charite serroit de fere dreyt a tuz e en tuz tens ou mesl serroyt q par assentement des prelaz assises de nouele deseisine de mort dāūcest^e e de drein present feussent prises en laduent e en septuagesme e en quareme aussi bien com lem fet les enquestes e ceo prie le Rey as Eueskes.

it be recovered, to the next friend, to whom the inheritance cannot descend, to improve it for the use of the infant, and to answer for the issues to the heir, when he shall come to his full age; and that the guardian, during his life, lose the wardship of what was recovered, and all the rest of the inheritance that he holds in the heir's name. And if another guardian than the chief lord do it, that he lose the wardship of the whole and be heavily punished on the King's part. And if the infant be removed, or disturbed by the guardian, or by the feoffee, or by any other, by reason whereof he cannot sue his assise, then one of his next friends, that will, may sue for him, and he shall be admitted.

XLIX. That in a writ of *Dower*, [called] *Unde nihil habet*, the writ Plea in Dower, abate not by the exception of the tenant, because she [the widow] shall have received her dower of another man before her writ was purchased, if he cannot show that she has received part of her dower of himself, and in the same vill, before her writ was purchased.

L. And forasmuch as the King has ordained these things to the honour of God and Holy Church, and for the Commonweal, and for the relief of those who are aggrieved; he wills not that at any other time, they should be turned to the prejudice of himself, or of his Crown; but that such rights as appertain to him, should be saved in all other points. Saving for the Crown.

LI. And forasmuch as it is great charity to do right unto all men, at all times, where need be, [it is provided] by the assent of the Prelates that Assises of *Novel Disseisin*, *Mortd'ancestor*, and *Darrein Presentment*, be taken in Advent, Septuagesima, and Lent, just as Inquests may be taken; and this the King requests of the Bishops. Time of taking assises enlarged.

13 EDWARD I. A.D. 1285.¹

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 92-96.]

L An de grace M^o C^o C Lxxviii e del Regne le Rey Edward fiz le Rey Henri sime a Gloucestre le moys de Aust porueaunt mesme le Rey pur lamendement de son Reaume e pur plus plenere exhibicion de drete si com le pfit de office regal demaunde appelez le plus descrez de son Regne ausi bien ausi bien² des greindres com des mendres ; establi est e concordaument ordine q come mesme le Regne en plusors diuers cas ausi bien des fraunchises come de autres choses en les queles auaunt lei failli e a eschuire les tres gref damages e les nient noumbrables deseritesons les quels icel manere defaute de lei fist a la gent del reaume eit mester de diuers supplecions de lei e de noueles porueaunces les estatuz ordinemens e porueaunces suz escrites de tote la gent del Regne desoremes fermement seit gardez.

Cum prelaz Countes Barons e autres del Regne cleiment auer diuerses fraunchises a les quels examiner e iuger le Rey ad mesmes cels prelaz Countes Barons e autres auoit done iour : Purueu est e concordaument graute q les auaunt diz prelaz Countes Barons e autres cels manere de fraunchises usēt issint q rien ne lur acresse par vsurpacion ou occupacion ne rien sur le Rey ocupēt iesques a la pcheine venue le Rey par le Conte ou a la pcheine venue des Justices erraunz as comuns plez en mesme le Counte ou iesque le Rey comaunde aut^e chose salue le dreit le Rey com il ennuoudra parler solum ceo qil est contenu en le bref le Rey e de ceo sient maunde brefs as viscontes baillifs e autres por cheskun demaundaunt e seit la fourme del bref chaunge e solum la difuseté des fraunchises les quels cheskun cleime auer. C. E les viscontes par totes lour baillies frunt cōmunauemēt crier ceo est a sauier en Cites en Burgs en viles marchaūdes e aillurs q touz ceaus qi aukuns fraunchises cleiment auer par

¹ See Writ 13th year (p. 46), commanding observance of this Statute in Ireland. This Statute was re-enacted for Ireland by Statute in a Parliament held at Dublin, 13 Edward II., cap. 2.

² Words repeated in MS.

13 EDWARD I. A.D. 1285.

THE STATUTES OF GLOUCESTER. (Enacted in England. 6 Edward I.)

THE year of grace 1278, and the sixth of the reign of King Edward, son of King Henry, at Gloucester, in the month of August, the King himself providing for the amendment of his realm, and for a fuller display of justice, as the good of the kingly office requires, having called unto him the most discreet persons of his kingdom, as well of the greater as of the lesser, it was established and ordained with one accord, that whereas the same kingdom, in many divers cases as well of franchises as of other things, wherein aforetime the law has failed, and to avoid the very grievous damages and innumerable disherisons which this default of the law has caused to the people of the realm, has need of divers additions to the law, and of new provisions; that therefore the statutes, ordinances, and provisions under-written be henceforth steadfastly observed by all the people of the kingdom.

Whereas the prelates, earls, barons, and others of the kingdom, claim to have divers franchises, for the examination and judgment whereof the King had appointed a day to the said prelates, earls, barons, and others; it is provided and granted with one accord, that the aforesaid prelates, earls, barons, and others, use such manner of franchises, so that nothing accrue to them by usurpation or encroachment, and that they encroach nothing against the King, until the next coming of the King through the county, or the next coming of the Justices in eyre for common pleas into the same county, or until the King otherwise command; saving the King's right when he wishes to demand it, according to what it contained in the King's writ. And hereof let writs be issued to the Sheriffs, Bailiffs, and others, in behalf of every one demanding it; and that the form of the writ be changed according to the diversity of the franchises that each claims to have.

And that the Sheriffs cause it to be commonly proclaimed throughout their bailiwicks, that is to say, in Cities, Burghs, Market Towns, and elsewhere, that all those who claim to have any franchises by the

Franchises
claimed may
be used until
examination
thereof.

Proceedings
on claims to
Franchises.

les chartres Les predecessors le Rey Reys de Engleterre ou en autre manere sient deuaunt le Rey ou deuaunt Justices en eyre a stein iour e lui a mostrer quels manere de fraunchises il cleiment auer e par quel garaunt. E les viscontes mesme donkes front ileokes psonaument od leur baillifs e leur ministres a steier le Rey sur les auaunt dites fraunchises e autres choses q cels fraunchises touchent. E ceste crie deuaunt le Rey contingne garnisement de treis semeynes. C. En mesme la manere front les Viscontes crier en eyre de Justices e en mesme la manere ferront il psonaument od leur baillifs e leur ministres a steier les Justices de tiels manere de fraunchises e des autres choses q ceaus fraunchises touchent. Et ceste crie contiengne garnisement de q'raunte iours si com la cōmune somonse cōtient issi q si la partie q cleime auer fraunchise seit deuaunt le Rey ne seit pas mis en defaute deuaunt les Justices en eyre pur ceo q le Rey de sa grace especiale ad graunte q il gardera la partie de damage q'nt a cel aiournement. E si cele partie seit en play sour tiels manere de fraunchises deuaunt vne peire des Justices auaunt diz mesmes les Justices deuaunt les quels la partie est plai garderont la partie de damage deuaunt autres Justices. E le Rey deuaunt li mesme mes qil sache par les Justices q la partie feust en plai deuaunt eus si com il est auaunt dit. Et si ceaus q cleiment tiels fraunchises auer ñ viengnēt al iour auaunt dit, donkes soient les fraunchises en noun de destresce prises en la main le Rey par le visconte del lui issi q tiel manere de fraunchises ne vsent ieskes il viēgnent a receiure droit. C. E q'nt il viengnent par cele destresce, leur fraunchises leur seiēt repleuies sil les demaudent les quels repleuies respoingnēt maintenant en la forme auādite. E si par auenture les parties exceptent q il ne deiuent nient de ceo respondre saūz bref original, donke si il pousse estre seu q eus de leur ppre fet eyent vsurpe ou occupe aukuns fraunchises sour le Rey ou sour ses pdecessors, dit leur seit q meintenaūt respoingnent saunz bref e puis receiuent iugement si com la Court le Rey agardera. E si il dient outre q leur aunoestre e leur auncestres de mesme les fraunchises morurent seisis, seit oi

charters of the King's predecessors, Kings of England, or in other manner, be before the King or before the Justices in eyre, at a certain day and place, to shew what manner of franchises they claim to have, and by what warrant. And the Sheriffs themselves shall then be there personally, with their bailiffs and officers, to certify the King upon the aforesaid franchises and other matters touching such franchises. And that this proclamation before the King contain three weeks' notice.

And in like manner the Sheriffs shall make proclamation in the circuit of the Justices, and in like manner they shall come personally with their bailiffs and officers, to certify the Justices of such manner of franchises, and other matters touching such franchises. And that this proclamation give forty days' notice, as the common summons contains; so that if the party who claims to have a franchise be before the King, he be not put in default before the Justices in eyre; forasmuch as the King of his special grace has granted that he will save the party harmless in respect of this adjournment. And if any such party be in plea upon such manner of franchises before two of the aforesaid justices, that the same justices before whom the party is in plea, save the party harmless before other justices; and the King likewise before himself, when he knows from the justices that the party was in plea before them, as is before said. And if they that claim to have such franchises come not at the day aforesaid, then that the franchises be taken into the King's hand by the Sheriff of the place, by way of distress, so that they use not such manner of franchises until they come to receive justice. Seiser of Franchises on non-appearance.

And when they come upon that distress, that their franchises be replevied, if they demand them, which replevies they shall answer forthwith in the form aforesaid. And if peradventure the parties make exception that they ought not to answer thereupon without an original writ, then if it can be known that they have, by their own act, usurped or occupied any franchises against the King or his predecessors, that they be told forthwith to answer without writ, and afterwards receive judgment as the King's Court shall award. And if they allege further that their ancestor or ancestors died seised of the same franchises, Exception for want of original Writ.

e meintenaunt seit la verite enquisse e solum ceo aillent les Justices auaunt en la bosoingne. E si il seit troue q lour auncestre en morust seisi, donkes eit le Rey bref original de sa Chauncellerie en la forme fete de ceo. C. Le Rey maũde saluz al visconte sommonez par bons somenors vn tiel q il seit deuaunt nus a tiel lui a ñre pcheine venue en tiel Counte ou deuaunt Justices as primeres assises com il en celes parties vendront a mostrer par quel garaunt il cleime auer quitaunce de tounue pur sei ou ses homes par tut ñre reaume par continuacion apres la mort tel iadis son pdecessor. E eyez ileokes les somenurs e ceo bref. E si les parties viengnent al iour, respoingnent e seit replie e iuge. E sil ne viengnēt ne se essoingnēt deuaunt le Rey e le Rey demorge outre en cel Counte, seit comaunde al visconte qil les face venir al quart iour a quel iour si il ne viengnēt e le demorge outre en cel Counte seit fet si com en eyre de Justices. E si le Rey departe del Counte, soient les parties aiorneez a bref iour e eyent renables delays iouste les descrecions des Justices si com en actions psonales. E les Justices E les Justices¹ en eyre facent de ceo en lour eyres solum le ordeinement auaunt dit e solum ceo q tiels manere de plez deiuent estre deduz en eyre. C. Des plaintes fetes e a fere des baillifs le Rey e de autri baillifs seit solum le ordeinemēt auaunt fet de ceo e solum les enquestes de ceo auaunt prises e de ceo frount les Justices en eyre, solum ceo q le Rey lour ad enioint e solum les articles q le Rey lour ad liure. C. Cvm auaunt ces heures damages ne feussent agardez en assises de nouele deseisine fors taunt soulement vers les deseisisors; purueu est q si les deseisisors alienent les tenemenz e ne eient dount les damages puissent estre leuez q ceus en qi mains iceus tenemenz deuendront, soient chargez des damages issint q cheskun respoingne de son tens. C. Purueu est ensement q le deseisi recoure damage en bref de entre fonde sour nouele deseisine vers celi qi est troue tēaunt apres le deseisisor. C. Purueu

¹ Words repeated in MS.

that they be heard, and forthwith inquiry be made of the truth, and according thereto that the justices proceed in the business. And if it be found that their ancestor died seised thereof, then the King shall have an original writ out of his Chancery in the form in that case made :

Proceedings on claim of Franchises by seisin of ancestors.

"The King to the Sheriff, sends greeting ; summon by good summoners such an one, that he be before us, at such a place, upon our next coming into such a county ; or before the justices at the first assises, when they shall come into those parts, to shew by what warrant he claims to be quit of toll, for him or his men, throughout our realm, by continuance after the death of such an one late his predecessor. And have there the summoners and this Writ."

Form of Writ.

And if the parties come at the day, that they answer, and reply be made, and judgment given. And if they come not, nor esoin themselves before the King, and the King tarry longer in that county, that the Sheriff be commanded to cause them to come at the fourth day ; at which day if they come not, and the King tarry longer in that county, let it be done as in the eyre of the justices. And if the King depart out of the county, the parties be adjourned unto a short day, and have reasonable delays, according to the discretion of the justices, as in actions personal. And that the Justices in eyre proceed herein, in their eyres, according to the ordinance aforesaid and according as such manner of pleas ought to be proceeded on in the eyre.

Proceedings on such Writ.

Concerning complaints made and to be made of the King's bailiffs, and of the bailiffs of others, that it be done according to the ordinance before made thereof, and according to the inquests before taken thereupon. And the Justices in eyre shall do therein, according to what the King has enjoined them, and according to the articles which the King has delivered to them.

Complaints against Sheriffs.

I. Whereas heretofore damages were only awarded in Assises of *Novel disseisin*, against the disseisors, it is provided, that if the disseisors alien the tenements, and have not whereof the damages may be levied, that they to whose hands such tenements shall come, be charged with the damages, so that every one answer for his time.

Damages in Novel Disseisin, &c.

It is provided also, that the disseisee recover damages in a writ of Entry, grounded on *Novel disseisin* against him that is found tenant after the disseisor.

est ensement q̄ la ou enauant ces heures damages ne furent agardez en ple de mort de auncestre fors en cas la ou tenement feust recouere vers chief seynr q̄ desoremes damages seient agardez en tuz cas ou em recoure par assise de mort de auncestre si com est auantdit en assise de nouele desaisine. En mesme la manere recoure lem damages par bref de Cosinage del Ael ou de Besael.¹ C. Et seit desoremes en mesme la manere cheskun tenu a rendre damages la ou om recoure ver lui de sa entrusion ou de son fez demeyne. C. E si enfaunt dedenz age seit tenu hors de son heritage apres la mort son Cosin Ael ou Besael par quei il couengne q̄ il p̄chace bref e son adūsaire viengne en Court e en resonaunt alegge feffement ou autre chose par quei Justices agardent enqueste la ou enqueste fust delaie iesques al age si passe ore lenqueste ausi com il fu de age. Establi est ensement q̄ si home aliene tenement q̄ il tient par la lei de Englefe son fiz ne seit pas barre par le fet son piere par qi nul heritage ne li est decendu a demaunder e recouerer par bref de mort dauncestre la seisine sa mere tut face la chartre son piere mencion q̄ lui e ses heirs seient tenuz a la garauntie. E si heritage lui seit decendu p son piere, donke seit il forclos de la value del heritage q̄ lui est decendu. E si entens apres heritage lui decent par mesme le piere, donk auera le tenaunt vers lui recouerir de la seisine sa mere par bref de iugement q̄ istra des roules des Justices deuaunt les queus le plai fu plede e resomoundre son garaunt si com ad este fet en autre Cas ou le garaunt vint en curt e dit q̄ rien ne lui est decendu de lui par qi fet il est vouche. C. En mesme la manere le issue del fiz par bref del Ael Cosin e del Besael. Ensement en mesme la manere ne seit le heyr la femme apres la mort le piere e la miere barre de action par la Chartre son piere sil demande le heritage ou mariage la mere par bref de entre q̄ son piere entens sa mere aliena dont nule fin est

¹ Other MSS. have here a clause giving costs where damages are recovered. See *Stat. Realm.* I. p. 47.

It is provided also, that where before this time damages were not awarded in a plea of *Mortd'ancestor* (except in case where the tenement was recovered against the chief Lord) that from henceforth damages be awarded in all cases where a man recovers by Assise of *Mortd'ancestor*, as before said in assise of *Novel disseisin*. And in the same way, that damages be recovered by writ of *Cosenage*, *Aiel*, and *Besael*. *Cosenage, &c.*

And that every person from henceforth be bound in the same way to render damages, where one recover against him on his own intrusion, or his own act.

II. And if a child under age be kept out of his heritage after the death of his cousin, grandfather, or great grandfather, whereby it be-
No delay for non-age of the demandant
 comes necessary for him to purchase a writ, and his adversary come into court, and in answering alleges a feoffment, or other thing, whereupon the Justices award an inquest; whereas the inquest was deferred unto the full age [of the infant], now the inquest shall pass as if he were of age.

III. It is established also, that if a man alien a tenement, that he holds by the law of England, his son be not barred by the deed of his father, from whom no inheritance descended to him, from demanding and recovering by writ of *Mortd'ancestor*, the seisin of his mother, although the charter of his father mention, that he and his heirs should be bound to warranty. And if any inheritance descend to him from his father, then that he be barred from the value of the inheritance that has descended to him. And if in time after, any inheritance descend to him by the same father, then the tenant shall have recovery against him of the seisin of his mother by writ of judgment that shall issue out of the rolls of the Justices, before whom the plea was pleaded, and re-summon his warrantor, as has been done in other cases where the warrantor comes into court, and says, that nothing descended to him from him by whose deed he is vouched. *Alienation by a tenant by curtesy vol. I.*

And in like manner that the issue of the son [recover] by writ of *Aiel*, *Cosenage*, and *Besael*. Also that in like manner the heir of the wife be not barred of action after the death of the father and the

leuee en la Court le Rey. C. Ensement si home lest a tere a ferme ou a trouer estouer ou viure ou vesture q amon a la quarte partie de la verreye value de la tere e celui q tient la tere issint charge la lesse gisir frische issi q lem ni pousse trouer destresce par deus aunz ou treis saunz fere la ferme rendre ou saunz fere ceo q est contenu en le escrit de les, establi est q apres les deus aunz passez eit le lessur action a demaunder la tere en demeine q il auera par bref en la Chauncellerie. E si celui ver qi la tere est demaunde viengne auant iugement e rende les arrerages e les damages e treoue seurte tele com la Court verra q seit suffisaunt a rendre en apres ceo q est contenu en le Escrit si il retiengne la tere e si il demeort desqe atant q ele seit recouere par iugement, si seit encoreue a remenaunt. Ensement purueu est q lem eit desoremes bref de Wast en la Chauncellerie fet de ceo q home qi tient par la loi de Engleterre ou en autre manere a terme de vie ou a terme daunz ou femme en douayre e celi qi serra ataint del Wast si pde la chose qil ad Wastee e estre ceo face le gre del treble de ceo q le Wast serra taxe. C. Endreit de wast fete en garde seit fet solom ceo q il contenu en la graunt chartre e par la ou il est contenu en la chartre q celui q auera fet Wast en garde pde la garde; acorde e q il rende al heyr les dammages del Wast si il ne seit q la garde pdue ne soffise mie a la value des damages auant le age del heyr de mesme la garde.

Purueu est ensement q si home meort e oit plusors heyrs dont le vn est fiz ou fille frere ou seor neuou ou niece e les autres seient en plus loingtein degre les heyrs eyent desoremes recouerir par bref de la Chauncellerie de mort de aūcest^o.

Ensement si fēme vent ou doune en fee ou a terme de vie tenement q ele tiēt en douayre; establi est q le heyr ou autre a ki la tere deuereit reſtitir apres le deces la femme eit maintenant son recouerir a demaunder la tere par bref de entre fet de ceo en la Chauncellerie.

mother, by the charter of his father, if he demand by writ of entry the inheritance or marriage [portion] of the mother which his father aliened in the time of his mother, whereof no fine was levied in the King's Court.

IV. Also if a man let his land to farm, or to find estovers, whether food or raiment, amounting to the fourth part of the true value of the land, and he who holds the land so charged lets it lie uncultivated, so that the party can find no distress there by the space of two or three years, without [the farmer] paying the rent or doing as is contained in the writing of the lease; it is established, that after the two years have passed, the lessor have an action to demand the land in demesne, which he shall have by a writ in the Chancery. And if he against whom the land is demanded come before judgment, and pay the arrears and the damages, and find surety (such as the Court shall think sufficient) to pay from thenceforth as is contained in the writing, that he keep the land. And if he tarry until it be recovered by judgment, that he be barred for ever.

Remedy by *cessavit* against a tenant in fee-farm.

V. It is provided also, that from henceforth a man have a writ of waste in the Chancery made thereupon against him who holds by the law of England, or otherwise for term of life, or for term of years, or a woman in dower. And that he who shall be attainted of waste, lose the thing that he has wasted, and moreover give as compensation treble what the waste shall be assessed at.

Action of waste extended.

And in respect of waste made in the wardship, that it be done as is contained in the Great Charter. And where it is contained in the Charter, that he who shall have committed waste in a wardship, lose the wardship, it is agreed that he render to the heir damages for the waste, if it be that the lost wardship do not amount to the value of the damages before the age of the heir of the same wardship.

VI. It is provided also, that if a man die, having many heirs, of whom one is son or daughter, brother or sister, nephew or niece, and the others be in a further degree, the heirs recover from henceforth by writ of *Mortd'ancestor* out of Chancery.

One Writ of *Mortd'ancestor* for divers heirs.

VII. Also if a woman sell or give in fee, or for term of life, the tenement that she holds in dower; it is ordained, that the heir, or other to whom the land ought to revert after the death of the woman, have his present recovery to demand the land by a writ of entry made thereof in the Chancery.

Writ of entry in *casu proviso* on alienation of dower.

Purueu est ensement q viscontes pledent en Countiez les plez de trespas ausi com il solient estre pledez. E q nul desoremes eit bref de trespas deuaunt Justices sil na fie par fey q les biens emportiez vaillent quaraunte souz al meins. E si il se pleint de baterie a fie par fei q sa plainte est voritable. C. De playes e de mahains eit om bref si com om soleit e graunte est q les defendaunz puissent desoremes fere aturnez en tiels plaiz ou apel nest issi q sil soient ateinz del trespas en lour absence seit maunde al visconte q il soient pris e eient donke la peine q il auerient sil eussent este p̄sent quant le iugement fu rendu. E si les pleintifs desoremes en tiel trespas se facent essonier apres la premore aparaunce seit iour done ieske a la venue des Justices e les defendaunz en dementers soient en pees en tiels plez e en aut's plez la ou attachemenz e destresces gisent. E si le defendaunt se face essonier de fuise le Rey e ne porte son garaunt al iour q est done a son essonneur q il rende al plentif les damages de la iourne de vint souz ou de plus solom la descrecion des Justices e ialemeins en la greue fici le Rey.

Le Rey comaunde q nul bref de la Chauncellerie seit graunte de mort de home de enq̄re si houme ocie autre par mesaventure ou sei defendaunt ou en autre manere par felonie mes si tiel seit en prison e deuaunt Justices erraunz ou Justices assingnez a Gaoles deliuer⁹ si mette en pais de bien e de mal e lem troesse par pais q il eit fet sei defendaunt ou par mesaventure donke par record des Justices face le Rey sa grace si lui plest.

Cum il seit contenu en lestatut le Rey q ore est q deus parconers ou deus q tienēt en cōmune ne puissent fourcher par assoingne del oure qil auerunt vne feiz apparu en Court; purueu est q mesme ceo seit garde e tenuz ou houme e sa femme sont enpledez en la Court le Rey.

Purueu est ensement en la Cite de Londres q si houme baud son tenement a l'me de aunz e celui a qi le fraunk tenement est se face enpleider par collusion e face defaute

VIII. It is provided also, that Sheriffs plead pleas of trespass in County-courts, as they have been accustomed to be pleaded. And that none from henceforth have writ of trespass before justices, unless he swear by his faith, that the goods affected are worth forty shillings at the least. And if he complain of battery, he swear by his faith, that his plaint is true.

In what court
pleas of
trespass shall
be.

Touching wounds and maims, that a man have a writ as he was wont to have it. And it is granted, that the defendants henceforth in such pleas may make attorneys, where appeal does not lie, so that if they be attainted of the trespass in their absence, the Sheriff be commanded to take them, and they have then the penalty which they would have had, if they had been present when the judgment was given.

Defendants
may plead by
attorneys.

And if the plaintiffs from henceforth in such trespasses cause themselves to be essoined after the first appearance, that a day be given them until the coming of the Justices, and the defendants in the mean time be in peace in such pleas, and in other pleas where attachments and distresses lie. And if the defendant essoin himself of the King's service, and do not bring his warrant at the day that is given to his essoiner, that he render the plaintiff damages for his journey twenty shillings or more, according to the discretion of the justices, and further be in the heavy mercy of the King.

Essoins by
plaintiffs and
defendants.

IX. The King commands that no writ be granted out of the Chancery for the death of a man, to enquire whether one man kill another by misadventure, or in his own defence, or in any other manner feloniously; but if such be imprisoned and [be brought] before the Justices in eyre or justices assigned for gaol-delivery, if he put himself upon the country for good and evil, and it be found by the country, that he did it in his own defence, or by misadventure, then on the record of the justices the King will grant him his grace, if it please him.

No Writ out of
Chancery in
certain cases
of homicide.

X. Whereas it is contained in the statute of the King that now is, that two parceners, or two that hold in common, may not fourch by essoin, after that they shall have once appeared in court; it is provided that the same be observed and kept, where a man and his wife are impleaded in the King's Court.

One essoin for
man and wife.

XI. It is provided also, in the city of London, that if any man lease his tenement for term of years, and he to whom the freehold belongs, cause himself to be impleaded by collusion, and [make default

Feligned
recovery in
London against
a termor.

apres defaute viengne en Curt e voille rendre pur fere le fermer pdre son terme e le tenaunt eit querelee issi q le termier puisse auer recouerir par bref de couenaunt; le Meyre e les baillifs puissent enquere par bon visne en la p̄sence le l̄m e del demaundaunt le quel le demaundaunt pleida par dreit qil auet ou par collusion ou par fraude pur fere le termier perdre son terme. E si troue seit par enqueste q le demaundaunt meust son plai par bon dreit qil auet si seit le iugement furny maintenaunt. E si troue seit qil pleidast par fraude pur tolir le l̄me al l̄mer le execucion del iugement pur le demaundaunt seit suspendu iesques apres le l̄me passe. En mesme la manere seit fet equite en tiel cas deuaunt Justices si le termier le chalenge auant le iugement.

Purueu est ensement q si houme enpleide de tenement en mesme la Citee vouche forein a garaunt q il viengne a la Chauncelerie e eit bref a somoundre son garaunt a certain iour deuaunt les Justices del Baunk e vn autre bref al Meyre e as baillis de Londres q il soursesent de la parole q est deuaunt eus par bref iesques ataunt q la parole de la garantie seit l̄mine deuaunt les Justices del Baunk. E q̄nt la parole al Baunk s̄ra l̄mine e s̄ra dit al garaunt q il voist en la Citee e respoingne del chief plai e le demaundaunt par sa suite eit bref des Justices del Baunk al Meyre e as baillifs q il voient auant en le plai. E si le demaundaunt recoure; viengne le tenaunt as Justices del Baunk e eit bref al Meyre e as baillifs q si le tenaunt eit sa tere perdue q il facent estendre la tere e retournent lestente al Baunk a c̄tein iour e apres seit maunde al visconte del pays ou le garaunt fu somons q il lui face auer de la tere le garaunt a la vaillaunce.

Purueu est ensement q del houre q le plai serra meu en la Cite de Londres p bref le tenaunt ne eit pas poer de fere Wast ne estreppement del tenement q est demaũde pendaunt le plai e ceo facent le Meyre e les baillifs garder a la suite le demaũdaũt. E mesme le ordeinement e estatut seit garde en autres Citees e Burgs e ailleurs par tut le reaume. C. Le Rey

after default, or come into the Court, and wish to give it up, to make the termor lose his term, and the tenant make this contention, that the termor can have recovery by writ of covenant, the Mayor and Bailiffs may inquire by a good venue, in the presence of the termor and the demandant, whether the demandant pleaded by right that he had, or by collusion, or by fraud, to make the termor lose his term. And if it be found by the inquest, that the demandant moved his plea upon good right that he had, that judgment be given forthwith. And if it be found, that he impleaded him by fraud, to take the term from the termor, then that the execution of the judgment for the demandant be suspended until the term be expired. In like manner that equity be done before the justices in such case, if the termor claim it before judgment.

XII. It is provided also, that if a man, impleaded for a tenement in the same city, vouch a foreigner to warranty, that he come into the Chancery, and have a writ to summon his warrantor at a certain day before the justices of the Bench, and another writ to the Mayor and Bailiffs of London, that they surcease from the plea that is before them by writ, until the plea of the warranty be determined before the justices of the Bench. And when the plea at the Bench shall be determined, the party warranted shall be commanded to go into the city, and answer to the chief plea. And that the demandant by his suit have a writ of the justices of the Bench to the Mayor and Bailiffs, that they proceed in the plea. And if the demandant recover, that the tenant come before the justices of the Bench, and have a writ to the Mayor and Bailiffs, that if the tenant have lost his land, they cause the land to be valued, and return the extent at a certain day into the Bench, and after that it be commanded to the Sheriff of the district where the warrantor was summoned, that he cause him to have of the land of the warrantor to the value.¹

XIII. It is provided also, that after such time as the plea shall be moved in the City of London by writ, the tenant have no power to make waste restrained pending suit in London.

¹ See *Liber Custumarum*. Lond. Vol. II., pt. I., p. 169-177 as to the correction of this article.

graunte as Citeins de Loundres q̄ la ou auaunt ces heures ceaus q̄ furent deseisis de fraunk tenement en mesme la Citee ne poerent recouerir lour damages auaunt la venue des Justices a la Tour ; q̄ ces deseisis desoremes eient lour damages par la reconisaunce del assise par la quele il recoueront le tenement e les deseisors seient amerciez deuaunt deus Barons del Escheker qi vne fiez par an vendront en la Citee pur ceo fere. E ceo seit maunde al Tresurer ⁊ as Barons qil facent cheskon an par deus de eaus apres lour leuer de la Chaundeloure e les afficiemenz par somonse del Escheker seient leuez e al eos le Rey al Escheker liurez.

Purueu est ensement q̄ le Meyre ⁊ les baillifs auaunt la venue de ces Barons enq̄rront des vins venduz encontre le assise e le p̄senteront deuaunt eaus a lour venue. E donke seient amerciez la il soleient atendre la venue des Justices. Donec a Glouč le dimenge p̄chein apres la feste seint Piere a la Goule de Aust lan auaunt dit.

any waste or estrepement of the tenement in demand, pending the plea; and that the Mayor and Bailiffs cause it to be kept at the suit of the demandant. And that the same ordinance and statute be observed in other cities, and burghs, and elsewhere throughout the realm.

§ XIV. The King grants unto the citizens of London, that whereas heretofore they that were disseised of freehold in the same city could not recover their damages before the coming of the justices to the Tower, that from henceforth the disseisees have their damages by recognition of the assise whereby they recovered the tenement, and the disseisors be amerced before two Barons of the Exchequer, who shall come once a year into the city to do it. And that it be commanded to the Treasurer and the Barons, that they do this every year by two of them after their Candlemas rising. And that the amercements by summons of the Exchequer be levied, and be delivered to the King's use, at the Exchequer.

Damages on disseisins in London.

XV. It is provided also that the Mayor and Bailiffs before the coming of these Barons, enquire of wines sold contrary to the assise, and make presentment before them at their coming and then that they be amerced, whereas they were wont to wait the coming of the Justices.

Wines sold in London contrary to the assise.

Given at Gloucester the Sunday next after the feast of St. Peter in the gule of August the year aforesaid.

13 EDWARD I. A.D. 1285.

A STATUTE OF MERCHANTS.¹

Forasmuch as merchants, who heretofore have lent their goods to divers persons, have fallen into poverty, because there is no speedy law provided, by which they may quickly recover their debt at the day assigned for payment; and for this cause many merchants have refrained from coming into this land with their merchandise, to the damage of the merchants and of all the realm; the King by himself and by his Council at his Parliament which he held at Acton Burnel, after the feast of St. Michael, in the eleventh year of his reign, made and ordained an Act thereupon for the relief of the merchants; which ordinance and act the King commanded should be firmly kept and observed throughout his realm, whereby the merchants have had relief, and less loss and trouble in recovering their debts, than before they were wont. But forasmuch as the merchants since complained to the King,

¹ The text taken from *Statute Roll (Engl.)* m. 46d, is printed in *Statutes of the Realm*, I., p. 98.
See Writ (p. 46), 13th year, commanding observance of this Statute in Ireland.

Form of
acknowledging
a Statute
Merchant.

Creditor's
remedy if debt
be not paid.

Certificate of
the Statute
into Chancery.

Within what
time debtor
may sell his
land.

The merchant's
estate in the
debtor's lands.

that the Sheriffs misinterpreted his statute, and sometimes by malice and false interpretation delayed the execution of the statute, to the great damage of merchants; the King at his Parliament at Westminster after Easter in the thirteenth year of his reign, caused the said statute made at Acton Burnel to be rehearsed; and for the declaration of certain articles of his statute aforesaid, has ordained and established that a merchant who wishes to be secure of his debt, cause his debtor to come before the Mayor of London, or before another chief warden of a town, or of another good town, where the King shall appoint, and before the Mayor or chief warden, or other sufficient man chosen and sworn thereto, when the Mayor or chief warden cannot attend, and before one of the clerks that the King shall thereto assign, when both cannot attend, to acknowledge the debt and the day of payment; and that the recognizance be enrolled by the hand of one of the clerks aforesaid, who shall be known, and that the roll be double, whereof one part shall remain with the Mayor or chief warden, and the other with the clerk that thereto shall be first named; and further, that one of the said clerks with his own hand make a writing obligatory, to which writing the seal of the debtor shall be put, with the King's seal provided for the same; which seal shall be of two pieces, whereof the greater piece shall remain in the custody of the Mayor, or the chief warden, and the other piece in the hand of the aforesaid clerk. And if the debtor do not pay at the day limited to him, if the merchant come to the Mayor and clerk with his bill obligatory; and if it be found by the roll or by the bill, that the debt was acknowledged, and that the day assigned be passed, that the Mayor or chief warden cause the body of the debtor to be taken (if he be a layman) whenever he be found in their jurisdiction, and commit him to the prison of the town, if there be a prison, and that he remain there at his own costs, until he has made satisfaction for the debt. And it is commanded that the keeper of the town prison retain him upon the delivery of the Mayor or warden; and if he will not receive him, that the keeper of the prison straightway answer for the debt, if he have whereof; and if he have not whereof, that he who committed the prison to his keeping answer. And if the debtor cannot be found within the jurisdiction of the Mayor, or chief warden, then that the mayor or chief warden send to the Chancellor, under the King's seal aforesaid, the recognizance made of the debt; and the Chancellor direct a writ to the Sheriff, in whose bailiwick the debtor shall be found, that he take his body (if he be a layman) and keep him in safe prison until he has made some satisfaction for the debt; and within a quarter of a year after he shall be taken, that he have his chattels and his lands delivered, so that out of his own he may levy and pay the debt; and that it be lawful for him, during the quarter, to sell his lands and tenements for the discharge of his debts, and his sale shall be good and valid. And if he do not make satisfaction before the end of the quarter, that all the goods of the debtor and all his lands by reasonable extent, be delivered unto the merchant to hold them until the debt shall be fully levied; and nevertheless that the body remain in prison as aforesaid, and the merchant find him bread and water; and the merchant have such seisin in those tenements delivered unto him or his assignee, that he can bring a writ of *Novel disseisin*, if he be put out, and redisseisin also, as of freehold, to hold to him and his assigns until the debt be paid; after the debt is levied and paid, that the body of the debtor be delivered with his land. And in the writ that the Chancellor shall issue, mention be made, that the Sheriff is to certify the Justices of the one Bench or of the other, how he has performed the King's commandment, by a certain day, at which day that the merchant sue before the justices, if satisfaction be not

made him; and if the Sheriff do not return the writ, or do return that the writ came too late, or that he directed it to the bailiffs of some franchise, that the Justices do as it is contained in the last Statute of Westminster. And if, in case the Sheriff return that the debtor is not found, or that he is a clerk, that the merchant have a writ to all the Sheriffs where he shall have land, that they deliver unto him all the chattels and tenements of the debtor by reasonable extent, to hold unto him and his assigns in the form aforesaid; and nevertheless he have a writ to what Sheriff he will, to take his body (if he be a layman) and to hold it in manner aforesaid. And let the keeper of the prison take heed, that he will have to answer for the body, or for the debt. And after the debtor's lands shall be delivered to the merchant, it shall be lawful for the debtor to sell his land, so that the merchant have no damage of his improvements; and saving always to the merchant his damages, and all necessary and reasonable costs of his labours, suits, delays, and expenses. And if the debtor find pledges who acknowledge themselves to be principal debtors, after the day limited, let it be done to the pledges in everything as is said of the principal debtor, as to the arrest of body, delivery of lands, and other things. And when the lands of the debtors shall be delivered unto the merchant, that he have seisin of all the lands that were in the hand of the debtor the day on which the recognizance was made, into whose hand soever they shall afterwards have come, either by feoffment, or otherwise. And after the debt has been paid, that the lands granted away by the debtor by feoffment return back to the feoffee, as the other lands to the debtors. And if the debtor or pledge die, that the merchant be not able to recover by taking the body of the heir, but by his lands, as beforesaid, if he be of age, or when he shall be of age. Debtor's sureties
Merchant to have the land but not body of the heir.

And that a seal be provided, to serve for fairs, and this seal shall be sent to every fair under the King's seal by a sworn clerk. And that by the keeper of the fair and the community of merchants, two lawful merchants of the city of London be chosen, who shall make oath, and the seal be opened before them, and the one piece be delivered unto the aforesaid merchants, and the other remain with the clerk; and before them, or one of the merchants (if both cannot attend) the recognizances be taken, as beforesaid. And before any recognizance be enrolled, that the penalty of the statute be openly read before the debtor; so that at another time he cannot say that any put another penalty than that whereto he bound himself. And to provide the costs of the said clerk, the King shall take of every pound a penny, in every town where the seal shall be, except fairs, where he shall take three half-pennies of the pound. This ordinance and act the King wills to be observed from henceforth throughout his realm of England and of Ireland, between any that will of their own accord make such recognizances, except Jews, to whom this ordinance extends not. And that by this writ of debt be not abated; and that the Chancellor, the Barons of the Exchequer, Justices of the one Bench and of the other, and Justices in eyre, be not estopped from taking recognizances of debts from any who wish to make such before them, but that the executions of recognizances made before them shall be not done in the form aforesaid, but by the law and usage and in the manner elsewhere provided in another statute. A seal for fairs.
Duty to the King on a Statute.
This Act not to extend to Jews not abated.
Chancellor, Justices, &c., may take recognizances as heretofore.

13 EDWARD I. A.D. 1285.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 97-119].

Statuta dñi Regis Edwardi fit Regis henr' fca apd Westm ad
Pascha anno r̄ sui lciodecimo¹.

CUM nuper dominus n̄r Rex in quindena sancti Johannis Baptiste anno Regni sui sexto conuocatis Prelatis Comitibz Baronibz & consilio suo apud Gloucestriam quia plures de regno suo exheredacionem paciebant' eo qđ in multis casibz vbi remedium apponi debuit prius nō fuit p̄ p̄decessores suos aut ip̄m remedium prouisum; quedam statuta populo suo valde necessaria & vtilia ediderit p̄ que populus suus Anglicanus & Hibernicus sub suo regimine gubernatus, celeriore iusticiam q̄⁴ prius in suis oppressionibz consecut' est. Ac quidam casus in quibz lex deficiebat remanserint indefminati quedam eciam ad reprimend' op̄ssionē populi remanserint statuenda; Dominus Rex in parleamento suo post Pascha anno Regni sui terciodecimo apud Westmonast'iū multas op̄ssiones populi & legū defectus ad supplecionem dcoz statutoz apud Gloucest' editoz recitari fecit statuta edidit ut patebit in sequenti.

De tenementis
datis sub
condicione.

Inprimis de tenementis que multociens dant' sub condicione videlicet cum aliq's dat terram suam alicui viro & eius uxori & heredibz de ip̄is viro & muliere p̄catis adiecta condicione exp̄ssa tali, qđ si hui' modi vir & mulier sine herede de ip̄is viro & muliere procreato obissent, terra sic data ad donatorem vel ad eius heredem reſtat'. In casu eciam cum quis dat tenementū in liberum maritagiū quod donū habet cōdicionē annexam licet nō exprimat' in Carta doni que talis est qđ si vir & mulier sine herede de ip̄is procreato obierint, tēn sic datum ad donatorem vel ad eius heredē reſtat'. In casu eciam cum quis dat tenementū alicui & heredibz de corpore

¹ See writ (p. 46) 13th year, commanding observance of this statute in Ireland. It was re-enacted for Ireland by statute in a Parliament held in Dublin, 13 Edward II, cap. 2.

13 EDWARD I. A.D. 1285.

THE STATUTES OF WESTMINSTER (THE SECOND).

STATUTES OF THE LORD KING EDWARD, SON OF KING HENRY, MADE AT
WESTMINSTER AT EASTER IN THE THIRTEENTH YEAR OF HIS REIGN.

Whereas of late the lord the King, in the quinzaine of Saint John the Baptist, in the sixth year of his reign, having called together the Prelates, Earls, Barons, and his Council at Gloucester, and considering that divers of his realm were disherited, by reason that in many cases, where remedy should have been applied, there was none provided by his predecessors, or himself, ordained certain statutes, very necessary and profitable for his people, whereby his people, English and Irish, subject to his rule, have obtained more speedy justice in their oppressions, than they had before; and certain cases, wherein the law failed, remained undetermined, and some things remained to be enacted, to restrain the oppression of the people: the lord the King in his Parliament, held after Easter, in the thirteenth year of his reign at Westminster, caused many oppressions of the people and defaults of the law, for the supplementing of the said statutes made at Gloucester, to be rehearsed, and provided statutes, as shall appear here following.

I. First, concerning tenements that many times are given upon condition, for instance, where anyone gives his land to any man and his wife, and to the heirs begotten of the same man and woman, with such condition expressed that if such man and woman die without heir of the same man and woman begotten, the land so given shall revert to the donor or his heir. In case also where one gives a tenement in frank marriage, which gift has a condition annexed, though it be not expressed in the deed of gift, which is such, that if the husband and wife die without heir begotten of them, the tenement so given shall revert to the donor or his heir. In case also where one gives a tenement to another and the heirs of his body issuing; it seemed hard, and yet seems, to such donors and

Of tenements
given upon
condition.

suo exeuntibz durum videbat^r & adhuc videtur donatoribz hui⁹modi & heredibz donatoz qđ voluntas ipsoz in donis suis exp⁹ssa nō fuit prius nec adhuc obsuata. In omibz ecia⁹ p⁹edcis casibz post prolem suscitata^m & exeuntē ab ipis quibz teñ sic fuit datum condicionaliter hucusq⁹ habuerunt hui⁹modi feoffati potestatem alienandi teñ sic datum & exheredandi exitum ipsoz cont^a voluatatem donatoz & formam in dono suo expressam. Et p⁹erea cum deficiente exitu de hui⁹modi feoffatis teñ sic datum ad donatorem vel ad eius heredes reſtū debuit p⁹ formam in Carta de dono hui⁹modi exp⁹ssam licet exitus si quis fuit obisset, p⁹ fcm & feoffamentū eo⁹ quibz teñ sic fuit datum sub condicione exclusi fſint hucusq⁹ de reſuſione eo⁹dem teñ quod manifeste fuit cont^a formam sui doni pp⁹ quod dñs Rex ppendens qđ nec^am & vtile est in p⁹dcis casibz appoſſe remediū, statuit qđ voluntas donatoris scđm formam in Carta doni sui manifeste exp⁹ssam, decesso obſuetur ita qđ nō hēant illi quibz teñ sic fuit datum sub condicione potestatem alienandi teñ sic datum q⁹min⁹ ad exitum illoz quibz teñ sic fſit datum remaneat post eo⁹ obitum vel ad donatorē vel ad eius heredes si exitus deficiat p⁹ hoc qđ nullus exitus sic omnino vel si aliq⁹s exitus fſit p⁹ mortem deficiet herede hui⁹modi exitus deficiente. Nec hēat decetero scđs vir hui⁹modi mulieris aliquid in teñ sic dato p⁹ condi⁹com post mortē uxoris sue p⁹ legem Ang⁹. Nec exitus de scđo viro & muliere successionē hereditariam set statim post mortem viri & mulieris quibz teñ sic fuit datum post eo⁹ obitum ad eo⁹ exitum vel ad donatorē vel ad eius heredem vt p⁹dcem est reſtat^r. Et quia in nouo casu nouū remediū est apponend⁹ fiat impetranti tale breue. Precipe A. qđ iuste ec⁹ reddat B. tale maneriū cum p⁹tin qđ C. dedit tali viro & tali mulieri & heredibz de ipis viro & muliere exeuntibz vel qđ C. dedit tali viro in liberum maritagū cum tali muliere & qđ post mortem p⁹dcōz viri & mulieris p⁹dcō B. filio p⁹dcōz viri & mulieris descendere debet p⁹ formam donacōis p⁹dcō ut di⁹c vel qđ C. dedit tali & heredibz de corpore suo exeuntibz et qđ post mortem ipius talis p⁹dcō

their heirs, that their will expressed in their gifts, was not heretofore, nor yet is observed; in all the cases aforesaid, after issue begotten and issuing from them, to whom the tenement was so given conditionally, heretofore such feoffees had power to alien the tenement so given, and to disinherit their issue of the tenement, contrary to the will of the donors, and to the form expressed in the gift. And further, on failure of the issue of such feoffees, the tenement so given ought to return to the donor, or his heirs, by form expressed in the deed of gift, though the issue, if any there were, had died; by the deed and feoffment of those, to whom the tenement was so given upon condition, [the donors] have heretofore been barred of their reversion, which was manifestly repugnant to the form of their gift; wherefore the lord the King, perceiving how necessary and expedient it is to provide remedy in the aforesaid cases, has ordained, that the will of the donor, according to the form in the charter of his gift manifestly expressed, be from henceforth observed; so that they to whom the tenement was given under condition, have no power to alien the tenement so given, but that it remain to the issue of those to whom it was given after their death, or revert to the donor or his heir, if issue fail by reason that there is no issue at all, or if there be any issue it fail by death, the heir of such issue failing. Nor that the second husband of such woman, from henceforth, have any thing in the tenement so given upon condition, after the death of his wife, by the law of England, nor the issue of the second husband and the wife succeed in the inheritance, but immediately after the death of the husband and wife, to whom the tenement was so given, after their death it come to their issue, or revert to the donor, or his heir, as before is said.

In such gifts,
donor's will
shall be
observed.

And forasmuch as in a new case a new remedy must be provided, let this manner of writ be granted to the party seeking it; *Praeceptum A. quod juste, &c., reddat B. tale manerium. cum pertinentiis, quod C. dedit tali viro & tali mulieri, & haeredibus de ipsis viro & muliere exeuntibus* (or thus):—*Quod C. dedit tali viro in liberum maritagium cum tali muliere, & quod post mortem praedictorum viri & mulieris, praedicto B. filio praedictorum viri & mulieris descendere debet per formam donationis praedictae, ut dicit, (or thus):—Quod C. dedit tali & haeredibus de corpore suo exeuntibus, & quod post mortem ipsius talis, praedicto B.*

Writs of
Formedon in
Descender.

B. filio p̄dci talis descendere debet p formam ec̄. Breue p quod donator habet recupare suū deficientē exitū satis est in usu in Cancellarij. Et sciendū est qđ hoc statutū quo ad alienacōm tenementi contra formam doni imposterū faciendā locū habet ⁊ ad dona p^o fca nō extendit^r. Et si finis sup hui^omodi ten^o imposterū leuet^r, ip̄o iure sit nullus nec habent heredes aut illi ad quos spectat reūsiō, licet plene sint etatis in Angl^a ⁊ extra p^osonam necesse appoſſe clamū suū.

De pone ad
petitionem
defendentis.

Quia dñi feodoꝝ distringentes tenentes suos p ſviciis sibi debitis multociens g^ouantur p hoc qđ tenentes sui districtōm suam p b^ore ut sine b^ori replegiāſſint ac ip̄i dñi cū ad querrimoniam tenenciū suoꝝ ad Comitātū vel ad aliam Curiam habentem potestatem placitandi placita de vetito namio p attachiamentū veſſint ⁊ rationabilem ⁊ iustam districtōm aduocaſſint p hoc qđ tenentes deaduocant nichil tenere nec clamare tenere de eo qui districtōm fecit ⁊ aduocavit remanet qui dist^onxit in mīa ⁊ tenentes sui quieti quibz p illa deaduocacōne p recordū Com̄ siue aliaꝝ Curiaꝝ que recordū nō habent pena infligi nō potest, de ceſſo psumum est ⁊ statutū qđ cum hui^omodi dñi in Com̄ ut in hui^omodi Cn^o justiciam de hui^omodi tenentibz suis consequi nō possint q^o cito attachiati fuerint ad sectam tenenciū suoꝝ concedat^r eis breue ad ponendū loquelam coram Justic^o coram quibz ⁊ non alibi iusticia hui^omodi dñis exhiberi poſſit. Et inseratur causa in breui, Quia talis dist^onxit in feodo suo p s^ouicio ⁊ consuetud^o sibi debitis nec p istud statutū derogat^r legi cōi v^oitate que nō p^omisit placitum aliquod poni coram Justic^o ad peticōm defendantis quia licet prima facie videat^r tenens actor ⁊ dñs defendens h^oito tamen respectu ad hoc, qđ dñs dist^ongit ⁊ seq^oit^r p ſuicio ⁊ consuetudine sibi a retro existentibz reali^o pocius apparebit actor siue querens q^o defendens. Et vt in c^oto sint Justic^o de qua recenti seisina poſſūt dñi aduocare rōnabilem districtōm sup tenentes suos; de ceſſo concordatū est qđ rōnabili districtō poſſit aduocari de seisina antecessor^o vel p̄decessor^o suoꝝ a tēpe quo breue noue diſſite currit. C. Et quia aliquando contingit qđ cum tenens postq^o replegiauerit adia sua

flio praedicti talis descendere debet per formam, &c. The writ whereby the donor has his recovery on failure of issue, is well in use in the Chancery. And it is to be understood that this statute shall hold place as to an alienation of a tenement contrary to the form of the gift hereafter to be made, and shall not extend to gifts made before; and if a fine be levied hereafter upon such tenement, that it be void in the law, A fine shall not bar the heir in tail. nor have the heirs, or they to whom the reversion belongs, though they be of full age, within England, and out of prison, need to make their claim.

II. Forasmuch as lords of fees distraining their tenants for services due to them, are frequently aggrieved, because their tenants do replevy the distress by writ, or without writ; and when the lords themselves, at the complaint of their tenants, shall have come by attachment to the county [court], or to another court, having power to hold pleas of withernam, and avowed the distrainment as good and lawful, by reason that the tenants disavow holding anything, nor claim to hold of him who made the distress and avowed it, he that distrained remains amerced, and his tenants go quit; on whom punishment cannot be inflicted for such disavowal by record of the county, or of other courts not having record; it is provided and ordained from henceforth, that where such lords cannot obtain justice in County or such courts against their tenants, as soon as they be attached at the suit of their tenants, a writ be granted to them to remove the plea before the Justices, before whom and not elsewhere, justice may be ministered unto such lords. And that there be inserted in the writ the cause wherefore such a man distrained in his fee for services and customs to him due; nor by this Statute is the common law in use taken away, which did not permit any plea to be moved before justices at the suit of the defendant; for though it appear at first sight that the tenant is plaintiff, and the lord defendant, nevertheless, having respect to this, that the lord distrains, and sues for services and customs in arrear, he will appear rather to be actor, or plaintiff, than defendant. And that the Justices may know upon what fresh seisin the lords may avow the distress reasonable upon their tenants; it is agreed that from henceforth reasonable distress may be avowed upon the seisin of their ancestors or predecessors from the time that the writ of *Novel disseisin* runs. And because it sometimes happens that

Writ of Pone at suit of defendant.

A Recordare to remove the plaint out of the County Court.

et aſſia illa vendit et elongat quominus returnū fieri poſſit dño diſtringenti ſi adiudicet^r, puiſum eſt qđ viĉ aut balliui deſeſo nō recipiant a conquerentibz ſolū^o pleġ de pſequento anteq^a delibacōm faciant de aſſiis ſet ecia de aſſiis retornand ſi adiudicet returnū. Et ſi quis alio modo plegios recepit, reſpondeat iſe de ꝑcio aſſioꝝ et heat dñs diſtingens recupare p bře qđ reddat ei tot aſſia uel tot catalla. Et ſi nō heat balliui vnde reddat, reddat ſupior ſuus. C. Et quia aliqñ contingit qđ poſtq^a adiudicatum fuit diſtingenti returnū aſſioꝝ et ſic diſtictus p^q^a aſſia ſic retornata iſum replegiavit cum viderit diſtingentē cōpentē in Curia paratum ſibi reſpondere defaultam fecit; ob q^a iſum adiudicabit^r diſtingenti returnū aſſioꝝ et ſic bis tercio et in infinitū replegiabunt^r aſſia nec habebūt iudicia Curie dñi Regis in hoc caſu effem ſup quo nō fuit prius remediū puiſum; Ordinat^o eſt in hoc caſu talis pceſſus qđ q^a cito adiudicatum fuit diſtingenti returnū aſſioꝝ p bře de iudicio mandet^r viĉ qđ returnū hře faciat diſtingenti de aſſiis in quo breui qđ viĉ ea nō delibet ſine bři in quo fiat mencio de iudicio p Juſticiarios reddito quod fieri nō poſſit niſi p bře quod exeat de rotulis Juſticiaꝝ coram quibz deducta fuerit loquela. Cum igit^r adierit Juſtiĉ et petierit iſum aſſia replegiari, fiat ei hoc bře de iudicio, qđ viĉ capta ſecuritate de pſequent^r et eciam de aſſiis uel catallis retornand uel eoꝝ ꝑcio ſi adiudicet^r returnū, delibet ei aſſia vel catalla prius retornata et attachiet^r ille qui diſtinxit ad veniendū ad ctum diem coram Juſtiĉ corā quibz placitum deducat^r in ꝑſencia parciū. Et ſi iſato ille qui replegiavit fecit defaultā vel alia occasione adiudicet^r returnū diſtrictionis iam bis repleġ remaneat diſtrictio illa impetuū irreplegiabilis ſet ſi de nouo et de noua cauſa fiat diſtrictio de noua diſtrictione ſuet^r pceſſus ſup^a dca.

De ten. quod
fuit ius uxoris
amiſſo per
defaultam viri.

In caſu quando vir amiſit p defaultam tenementū quod fuit ius uxoris ſue durum fuit quod uxor poſt mortem viri ſui nō hñit aliud recupare q^a p bře de recto, pp^o quod dñs Rex ſtatuit qđ mulier poſt mortē viri ſui heat recupare p bře de ingreſſu cui iſa in vita ſua con-

the tenant, after he has replevied his beasts, sells or eloins them, whereby return cannot be made unto the lord that distrained, if it be adjudged ; it is provided, that sheriffs or bailiffs from henceforth not only receive from the plaintiffs pledges to prosecute the suit, before they make deliverance of the beasts, but also for the return of the beasts, if return be adjudged. And if any shall have taken pledges otherwise, let him answer for the price of the beasts, and the lord that distrains have his recovery by writ, that he restore to him so many beasts or cattle ; and if the bailiff have not whereof to restore, that his superior restore. And forasmuch as it sometimes happens that after the return of the beasts has been adjudged to the distrainer, and the party so distrained, after the beasts are returned, replevies them again, when he shall see the distrainer appearing in court ready to answer him, shall make default, whereby return of the beasts ought to be awarded again unto the distrainer, and so the beasts shall be replevied twice or thrice, and infinitely, and the judgments of the King's Court shall have no effect in this case, upon which there was no remedy provided ; in this case such process is ordained, that so soon as return of the beasts shall be awarded to the distrainer, the sheriff be commanded by a writ of judgment to make return of the beasts to the distrainer ; in which writ it shall be expressed, that the sheriff deliver them not without writ, in which mention is made of the judgment given by the justices, which cannot be done except by a writ which may issue out of the rolls of the justices before whom the plea was moved. Therefore when he comes to the justices, and desires replevin of his beasts again, that he have a writ of judgment that the sheriff taking surety for the prosecution, and also of the beasts or chattels to be returned, or the price of them, if return be awarded, deliver to him the beasts or chattels before returned, and that the distrainer be attached to come at a certain day before the Justices, before whom the plea was moved, in presence of the parties ; and if he who replevied make default again, or for another cause return of the distress be awarded, being now twice replevied, that distress remain for ever irrepleviable ; but if a distress be taken anew, and for a new cause, that the process abovesaid be observed in the new distress.

III. In case when a man lost by default the tenement which was the right of his wife, it was hard that the wife, after the death of her husband, had no other recovery but by a writ of right ; wherefore the lord the King has ordained, that a woman, after the death of her husband, have recovery by a writ of entry,

Pledges to
prosecute a
Replevin.

Replevin of
distress after
judgment for
return.

Writ of second
deliverance.

Distress irre-
pleviable.

Of a tenement
which was the
wife's right
lost by default
of the husband.

traditōe nō potuit qđ in forma pđca erit placitandū si cont^a petiōm mulieris tenens excipiat qđ hūit ingrm p iudiciū & compto qđ p defaultam ad quod tenens nōcē habet respondere si ab eo querat^r tūc nōcē habet ulⁱus ostend^e ius suū scđm formam brevis quod prius impet^auit sup virum & vxorem. Et si verificare poterit qđ ius habet in tenemento petito nichil capiat mulier p bře suū quod si ostend^e nō pōsit, recuperet mulier teñ petitum hoc obsūato qđ si vir absentafuit se & noluit ius uxoris sue defendere vel inuita uxore reddere voluerit, si uxor ante iudiciū venerit parata petenti respondere & ius suū defendere admittat^r uxor. Eodem modo si tenens in dotem p legem Angⁱ vel aliter ad pminū vite vel p donū in quo reseruat^r reūcio fecit defaultam vel reddere voluerit admittant^r heredes & illi ad quos spectat reūcio ad responsionē si vefint ante iudiciū. Et si sup defaultam vel reddiōm reddatur iudiciū tūc heant heredes & illi ad quos spectat reūcio post mortē hui⁹modi tenēciū recupe p bře de ingressu in quo fuet^r idem pcessus sicut dcm est sup^a in casu vbi vir amittit p defaultam tenementū uxoris & sic in casibz pđcis due concurrūt actiones vna in^p petentē & tenentē & alia in^p petentē¹ ius suū ostendentē & petentem. In casu quando vir implacitat⁹ de tenemento reddit teñ petitū adūsario suo de plano post mortem viri Justiē adiudicant mulieri dotem suam, si p breue petat set in casu quando vir amittit teñ petitū p defaultam, si mulier post mortē viri sui petat dotem comptū est qđ p aliquos Justiē adiudicata fuit dos mulieri petenti nō obstante defalta quā vir suus fecit coram aliis Justiē in cont^aria oppinione existentibz & cont^ariū iudicantibz. Vt de celo hui⁹modi ambiguitas amputetur sic in cōto ordinatū est qđ in vt^oq casu audiat^r mulier qui dotem petit. Et si excipiat^r cont^a ipām qđ vir ipius teñ vnde dos petita est amisit p iudiciū p quod dotem hīre nō debet. Et si querat^r p quod iudiciū & comptū fuit qđ p defaultam ad quod tenens

¹ Tenentem in *Statute Roll, England*.

whereto she could not disagree during his life, which shall be pleaded in form aforesaid: if the tenant do except against the demand of the wife, that he had entry by judgment, and it be found by default, whereto the tenant of necessity must make answer, if it be demanded of him, then it is necessary for him further to show his right according to the form of the writ that he purchased before against the husband and the wife. And if he can verify that he has right in the tenement demanded, the woman shall take nothing by her writ; which, if he cannot show, the woman shall recover the tenement in demand; this being observed, that if the husband absented himself, and would not defend his wife's right, or against his wife's consent wished to render it, if the wife came before judgment, ready to answer the demandant, and to defend her right, that the wife be admitted. Likewise if tenant in dower, by the law of England, or otherwise for term of life, or by gift, in which the reversion is reserved, made default, or wished to surrender, the heirs, and they to whom the reversion belongs be admitted to their answer if they shall have come before judgment; and if upon such default, or surrender, judgment be given, that then the heirs, and they unto whom the reversion belongs after the death of such tenants, have their recovery by a writ of entry, in which like process shall be observed as is aforesaid, in case where the husband by default loses his wife's tenement; and so in the cases aforesaid two actions do concur, one between the demandant and tenant, and another between the tenant showing his right, and the demandant.

IV. In case where the husband, being impleaded for a tenement, too easily gives up the tenement demanded to his adversary; after the death of the husband, the justices award the wife her dower, if she demand it by writ; but in case where the husband loses the tenement in demand by default, if the wife, after the death of her husband, demand her dower, it has been found, that some justices have awarded unto the woman her dower notwithstanding the default which her husband made, other justices being of the contrary opinion, and judging to the contrary; that from henceforth such ambiguity may be taken away, it is thus ordained for certain, that in both cases the woman demanding her dower be heard; and if it be alleged against her, that her husband lost the tenement, whereof the dower is demanded, by judgment, whereby she ought not to have dower, and if it be enquired by what judgment, and it be found that it was by default, whereunto the

Wife endow-
able of land
recovered
against her
husband by
default.

nōce habet respondere tūc oportet tenentē vltius respondere
 ⁊ ostendere qđ ipse tenens ius habuit ⁊ habet in pđco teñ scđm
 formā bñs quod p^r sup virum impetuit. Et si ostendere
 pofit qđ vir mulieris nō habuit ius in teñ nec aliquis alius
 q^a ipse qui tenet tūc recedat quiet^r ⁊ vxor nichil capiat de
 dote quod si ostendere nō pofit, recupet mulier dotem suam.
 Et sic in casibz istis ⁊ in quibzdam sequentibz, scilicet quando
 vxor dotata amittit dotem p defaultam ⁊ tenētes in maritagiū
 p legem Angl^e ⁊ ad fminū vite ⁊ feodū talliatū cōcurrūt
 plures actiones quia hui^umodi tenentes cum opteat eos pefe
 teñ sua p defaultam amissa, ⁊ ad hoc puentum fñit qđ tenens
 necesse habet ostendere ius suū nō possūt ipi sine hñs ad
 quos spectat refusio de iure respondere ⁊ ideo concedit^r eis qđ
 vocent ad Warantū ac si essent tenentes si Warantum hñant
 ⁊ cū Warantus Warantizatñt, pcedat placitum in^l illum qui
 seisisus est ⁊ Warantū scđm tenorē brevis quod tenens prius
 impetrauit ⁊ p quod recupauit p defaultam ⁊ sic ex pluribz
 actionibz ad vltimū puenietur ad vnum iudiciū videlicet ad
 hoc qđ hui^umodi petentes recupent petitionem suam vel qđ
 tenentes eant quieti. Et si actio hui^umodi tenentis qui nōce
 habet ostendere ius suum mota fñit p bñe de recto licet
 magna assisa vel duellum iungi non possunt p verba consueta,
 iungi tam possunt p verba satis apta, quia cū tenentes in hoc
 qđ ostendunt ius suū quod competit eis p bñe quod prius impe-
 tñt sic loco actoris bene pofit Warant^r defendere ius tenentis
 qui loco petentis vt dñm est habetur ⁊ seisinam antecessoris
 sui ⁊ offerre ⁊ defendere p corpus liberi hominis sui vel pofse
 se in magnam assisam ⁊ pefe recognicōm fieri vtrum ipse maius
 ius hñat in tenemto petito, an pđcūs talis vel alio modo pofit
 iūgi magna assisa sic, Talis Warant^r defed^r ius ec, ⁊ cognoscit
 seisinam antecessoris sui ⁊ ponit se in magnam assisam ⁊
 petit recognicōm fieri vtrum ipse maius ius hñat in teñ pđco vt
 in illo de quo feoffauit talē vel qđ talis remisit ⁊ quietū
 clamauit ec an pđcūs talis.

De muliere
 dotem petente
 super
 custodem.

Cū aliquando contingat qđ mulier nō habens ius petendi
 dotem herede alicui^r infra etatem existente impetret bñe de

tenant must answer ; then it behoves the tenant to answer further, and to show that he had right, and has, in the aforesaid tenement, according to the form of the writ that he purchased before against the husband. And if he can show that the husband of the wife had not right in the tenement, nor any other than he who holds it, that the tenant go quit, and the wife recover nothing of her dower ; which thing if he cannot show, that the wife recover her dower.

And so in these cases, and in certain others following, that is to say, Bremedy for tenants for life &c. who lose their land by default. when the wife being endowed loses her dower by default, and tenants in marriage, by the law of England, or for term of life, or in fee-tail, divers actions concur ; for such tenants, when they ought to demand their tenements lost by default, and when it is come to this that the tenant is compelled to show his right, they cannot make answer without those to whom the reversion of right belongs ; therefore it is granted unto them to vouch to warranty, as if they were tenants, if they have a warranty. And when the warrantor has warranted, that the plea pass between him who is seised and the warrantor, according to the tenor of the writ that the tenant purchased before, and by which he recovered by default ; and so from many actions it comes at length to one judgment, which is this, that such demandants recover their demand, or that the tenants go quit. And if the action of such a tenant, who is compelled to show his right, be moved by a writ of right, though the great assise or duel cannot be joined by the words accustomed, yet they may be joined by words convenient : for when the tenants, in that they show their right which belongs to them, by the writ that they before purchased, [are] so in place of plaintiff, the warrantor may well defend the right of the tenant, who is accounted in place of the demandant as before is said, and offer to defend the seisin of his ancestor by the body of his freeman, or put himself upon the great assise, and pray recognition to be made, whether he have more right in the tenement demanded, or the party before named ; or otherwise the great assise may be joined thus : *Talis warrantus defendit jus, &c., et cognoscit seisinam antecessoris sui et ponit se in magnam assisam, et petit recognitionem fieri utrum ipse majus jus habeat in tenemento praedicto ut in illo de quo jeoffavit talem, vel quod talis remisit et quietum clamavit, &c., an praedictus talis.*

And where sometimes it happens that a woman, not having right to demand dower, the heir being under age, purchases a writ of dower Of a woman demanding dower against a guardian.

dote sup custodem et custos p fauorē mulier dotem reddiderit vel defaltam fecit vel placitū in^o eos ita fite p collusionē defendent p quod dos mulieri hui⁹modi in puidiciū heredis adiudicata fuerit; puisum est qđ heres cum ad etatem pueffit heat actionem petendi seisinam antecessoris sui uersus hui⁹modi mulierem qualem hret ūsus alium quēcūq; deforciorē. Ita in qđ salua sit mulieri ūsus petentē exceptio ostendendi qđ ius heat in dote sua quod si ostendere pofit recedat quieta & dotem suam retineat & sit heres in mīa & afficiet^r g^{uit} scđm discrecom Justic, sin autē recupet heres peticom suam. C. Eodem modo fuet^r mulieri si heres vel alius eam implacitauit de dote sua si dotem suam p defaltam amiserit in quo casu sua defalta nō sit ei ita puidicialis quia dotem suam si ius heat recuperare possit & fiat ei tale breue. Precipe A. qđ iuste ēc, reddat tali que fuit vxor talis tantam terram cum ptiū in tali villa quā clām esse rationabilem dotem suam vel de rationabili dote sua et quā pđcs talis ei deforc. C. Et ad istud bre heat tenens excepcom suam ostendendo qđ ius nō habet in dote, quod si verificare pofit, recedat quietus. Alioquin recupet mulier teū quod prius tenuit in dotem. Et cum tempibz retroactis aliquis amisisset p^{ra} suam p defaltam nō fuit aliud recuperare q^a p bre de recto quod eis compele nō potuit qui de mero iure loqui nō pofunt veluti tenentes ad fminū vite vt p liberum maritagiū vel p feodum talliatum in quibz casibz saluat^r reūcio; prouisum est qđ decepto nō sit eoꝝ defalta eis ita puidicialis quin statum suū si i⁹ heat recuperare possint p aliud bre q^a p bre de recto.

De dote
amissa per
defaltam.

De terra
amissa per
defaltam.

De maritagio
amisso per
defaltam.

C. De maritagio amisso p defaltam, fiat bre tale. Precipe A. quod iuste ēc reddat B. maneriū tale cū ptiū quod clām esse ius & maritagiū suū & quod pđcs tat ei iniuste deforc. Eodem modo de tenemento tento ad fminū vite p defaltā amisso fiat breue. Precipe tali qđ iuste ēc reddat tali massium ēc quod clām tenere ad fminum vite sue & qđ talis ei iniuste ēc simili⁹ qđ clām tenere sibi & heredibus suis de corpore suo exeuntibz et quod talis ei iniuste ēc.

De aduoca-
tione ecclesia-
rum.

Cvm de aduocacionibz ecclāz nō sint nisi tria breuia originalia videt^r bre de r^{to} & duo de possessione scilicet

against a guardian, and the guardian shall restore the dower of the woman by favour, or shall make default, or by collusion defend the plea so faintly, whereby the woman shall be awarded her dower in prejudice of the heir: it is provided, that the heir, when he shall come to age, have an action to demand the seisin of his ancestor against such a woman, as he should have against any other deforceor; yet so, that the woman have her exception saved against the demandant, to show that she have right to her dower, which if she can show, that she go quit and retain her dower, and the heir be in mercy and be heavily amerced, according to the discretion of the justices; and if not, that the heir recover his demand, &c.

In like manner that the woman be protected, if the heir or any other implead her for her dower, if she lose her dower by default, in which case her default shall not be so prejudicial to her, but that she recover her dower, if she have right, and that she have this writ: *Praecepte A. quod juste, &c., reddat tali quae fuit uxor talis tantam terram cum pertinentiis in tali villa quam clamat esse rationabilem dotem suam, vel de rationabili dote sua, et quam praedictus talis ei deforceat.* And to this writ that the tenant have his exception, to show that she had no right in the dower; which if he can verify, he shall go quit; if not, that the woman recover the tenement which before she had in dower.

And when in times past, anyone had lost his land by default, he had no other recovery than by a writ of right, which was not competent to those who could not claim of mere right, as tenants for term of life, in frank marriage, or in fee-tail, in which cases a reversion is reserved; it is provided, that from henceforth their default be not so prejudicial, but that they may recover their estate by another writ than by a writ of right, if they have right.

For land in frank marriage, lost by default, such a writ shall be made: *Praecepte A. quod juste, &c., reddat B. manerium tale cum pertinentiis, quod clamat esse jus et maritagium suum, et quod praedictus talis ei injuste deforceat.* Likewise of a tenement held for term of life, lost by default, this writ shall be made: *Praecepte tali quod juste, &c., reddat tali manerium, &c., quod clamat tenere ad terminum vitae suae, et quod talis ei injuste, &c.;* likewise *quod clamat tenere sibi, et haeredibus suis de corpore suo exeuntibus, et quod talis ei injuste, &c.*

V. Whereas of advowsons of churches there are but three original writs, that is to say, the writ of right, and two of possession, namely, *darrein*

Of dower
lost by default.

Of land lost
by default.

Of marriage
lost by
default.

For tenant
for life.

For tenant
in tail.

Of advowson
of churches.

ultime presentacionis et quare impedit et hucusque visitatum fuerit in regno quod cum aliquis ius non habens presentandi presentavit ad aliquam ecclesiam cuius presentatus sic admissus ipse qui verus est patronus per nullum aliud breve recuperare potuit advocacionem suam quam per breve de recto quod habet terminari per duellum vel per magnam assensum per quod heredes infra etatem existentes per fraudem et negligenciam custodum heredes etiam siue maiores siue minores per negligenciam vel per fraudem tenentium per legem Angli vel mulierum tenentium in dotem vel alio modo ad terminum vite vel annorum vel per feodum talliatum multociens exheredacionem paciebantur de advocacionibus suis vel ad minus quod melius eis fuit ponebantur ad breve de recto et in casu omnino exheredati extinguntur hucusque; statutum est quod huiusmodi presentaciones non sint huiusmodi rectis heredibus aut illis ad quos post mortem aliquorum huiusmodi advocaciones restitui debent ita iudiciales quin quocienscunque aliquis ius non habens tempore huiusmodi custodia presentavit, vel tempore tenentium in dotem vel per legem Angli vel alio modo ad terminum vite vel annorum vel per feodum talliatum in propria vacatione postquam heres ad etatem pervenit vel advocacio post mortem in forma predicta tenentium ad heredem plene etatis existentem restituitur; habeat eandem actionem et exceptiorem per breve de advocacione possessorium quale habet ultimus antecessor huiusmodi heredis plenam habens etatem in ultima vacatione tempore suo accidentem ante mortem suam vel antequam dimissio facta fuit ad terminum vel ad feodum talliatum ut predictum est. hoc idem observetur de presentacionibus factis ad ecclesias de hereditate uxorum tempore quo fuerint sub potestate virorum suorum quibus per istud statutum subveniat per remedium supradictum viris etiam religiosis Episcopis Archidiaconis rectoribus ecclesiarum et aliis personis ecclesiasticis per illud idem statutum subveniat. Si aliquis ius non habens presentandi presentavit ad ecclesias domibus suis placie dignitati aut personatus spectantes ipse quo vacaverint placie dignitates aut personatus huiusmodi. Nec tamen ita large intelligatur istud statutum quod persone ad quorum remedium statutum istud est editum habeant recuperare suum supradictum dicentes quod custodes tenentes in

presentment, and *quare impedit*; and hitherto it has been used in the realm, that when any not having right to present, had presented to any church, whose presentee so being admitted, he who is true patron could recover his advowson by no other writ than by a writ of right, which has to be determined by the duel or by the great assise, whereby heirs under age, by fraud, and by negligence of their guardians, and heirs whether of full age or under age, by negligence or fraud of tenants by the law of England, women tenants in dower, or otherwise for term of life, or years, or in fee-tail, many times suffered disherison of their advowsons, or at least, which was the better for them, were put to their writ of right, and in that case hitherto they were utterly disinherited: it is provided, that such presentations be not so prejudicial to the right heirs, or to those to whom such advowsons ought to revert after the death of any persons: for as often as any man not having right, shall have presented during the time that such heirs are in ward, or during the estates of tenants in dower, by the law of England, or otherwise for term of life, or of years, or in tail, at the next avoidance, when the heir shall have come to age, or when after the death of the tenants in form aforesaid, the advowson revert to the heir being of full age, that he shall have such action and exception by possessory writ of advowson, as the last ancestor of such an heir, being of full age, should have had at the last avoidance in his time, happening before his death, or before the demise was made for term of life, or in fee-tail, as is beforesaid. The same shall be observed of presentations made to churches, of the inheritance of wives, while they were under the power of their husbands, to whom aid may be given by this statute by the remedy aforesaid. Also that men of religion, bishops, archdeacons, rectors of churches, and other ecclesiastical persons, be aided by this statute, if any not having right of presentation shall have presented to churches, belonging to their houses, prelacy, dignity, or parsonage, while such prelaties, dignities, or parsonages have been vacant.

Neither shall this statute be so largely understood, that persons, for whose remedy this statute was ordained, have their recovery afore-

Writ of
Advowson
possessory.

dotem p legem Angt vel alias ad lminū vite vel annoꝝ vel viri fcte defenderunt placitum p ipos vel cont^a ipos motū quia iudicia in Curia Regis reddita p istud statutū nō adnichilent^r set stet iudiciū in suo robore q^ousq^z p iudiciū Curie Regis tamq^a erroneū si error inueniat^r, adnullet^r vel assis^a ultie p^osentacionis vel inquisicio p b^{re} quare impedit si t^onsierit p attinctam vel c^otifica^onem adnullet^r que gratis concedat^r. Et de ce^o vna forma placitandi in breuibz vltime p^osentacionis ⁊ quare impedit in^o Justic^o ob^onet^r quo ad hoc q^d si pars rea excipiat de plenitudine ec^ocie p suam p^op^oriam p^osentacōm, nō pp^o illam plenitudinē remaneat loquela dūmodo breue infra semestre temp^o impetret^r q^aq^a infra semestre temp^o p^osentacio recuperari nō possit. Et cum aliqⁿ in^o clamantes plures aduocacōm alicui^o ec^ocie pax f^oit formata in^o partes ⁊ inrotulata coram Justic^o in rotulo vel in fine sub hac forma q^d vnus primo p^osentet et in sequenti vacacione alias, ⁊ in lcia lcius et sic de pluribz si plures sint. Et cum vnus p^osentat^o ⁊ hab^oit suam p^osentacōm quam h^ore debet p formam illius conuencionis et in p^oxia vacacione impedi^r ille ad quē spectat sequēs p^osentacio impedi^r p aliquē qui fuit pars illius conuencionis vel loco eius; statutū est q^d de ce^o nō h^oeat hui^omodi impedit^r necesse pquirere b^{re} quare impedit set h^oeat recursum ad rotulum vel ad finem et si in rotulo vel in fine compta f^oit p^od^oca pax vel conuencio, mandetur vi^o q^d scire faciat parti impedienti q^d sit ad aliquē brevē diem continētē spacium quindecim dieꝝ vel triū septimanaꝝ sc^odm q^d locus est p^op^oinquus vel remotus ostens^o si quid sciat di^ode quare talis p^osentacōm suam habere nō debeat. Et si nō venerit vel forte v^ol^oit nichil sciat di^ode quare sic impedit^r p^osentacōm suam h^oabe nō debeat racione alicui^o f^oci post pacem irrotulatam vel cirog^ophatam recuperet p^osentacionem suam cum dampnis suis. Et cū contingat q^d post mortem a^oncessor^o qui ad aliquam ec^ocām p^osentauit assignata f^oit illa aduocacio in dotem alicui^o mulieris vel teneatur p legem Angt ⁊ tenentes in dotem vel p legem Angt p^osentat^o ⁊ verus heres p^ot mortem hui^omodi tenenciū p legem vel in dotem

said, asserting that guardians, tenants in dower, by the law of England, or otherwise for term of life, or of years, or husbands, have faintly defended pleas moved by them, or against them; because the judgments given in the King's Court are not annulled by this statute, but the judgment is to stand in its force, until it be reversed by judgment of the King's Court as erroneous, if error be found; or assise of *darrein presentment*, or inquest by a writ of *quare impedit*, if it be passed, be annulled by attain, or certification, which may be freely granted. And that from henceforth one form of pleading be observed among justices in writs of *darrein presentment* and *quare impedit*, in this respect, if the defendant alleges plenarty of the church by his own presentation, that the plea be not delayed by reason of the plenarty; provided that the writ be purchased within six months, though he cannot recover his presentation within the six months. And sometimes when an agreement shall have been made between many claiming the advowson of any church, and inrolled before the justices in the roll, or by fine, in this form, that one shall present the first time, and at the next avoidance another, and the third time a third; and so of many, in case there be many: and when one shall have presented, and had his presentation, which he ought to have, according to the form of their agreement, and at the next avoidance he to whom the succeeding presentation belongs, is disturbed by any who was party to the said agreement, or by some other in his stead; it is provided, that from henceforth he who is so disturbed have no need to sue a writ of *quare impedit*, but that they resort to the roll or fine; and if the said concord or agreement be found in the roll or fine, then that the sheriff be commanded that he notify to the disturber, that he be ready at some short day, containing the space of fifteen days, or three weeks, as the place happens to be near or far, to show if he can allege any thing, wherefore such party ought not to have his presentation. And if he come not, or peradventure come, and can allege nothing to bar the party of his presentation, by reason of any thing done since the agreement was enrolled or written, that he recover his presentation with his damages. And where it happens that after the death of the ancestor who presented to a church, the same advowson shall have been assigned in the dower of any woman, or be held by the law of England, and the tenants in dower or by the law of England shall have presented, and after the death of such tenants by the law of

Judgments
shall stand
good until
reversed.

Plenary not
to be pleaded
if writ
purchased
within six
months.

Presentation
by turns under
an agreement.

Remedy for
disturbance.

Remedy for
disturbance of
presentation
after a particu-
lar estate
ended.

impediat^r p^rsentare cū ecclia vacauit, puisum est qd de celo sit in electione impediti vtrū pquirere velit p b^re quare imped^t vel vltime presenta^ois. Hoc eciam ob^ruetur de aduoca^oibz dimissis ad l^rminū vite v^t annoz vel ad feodum talliatum. Et de celo in b^ribz vltime p^rsentacionis ⁊ quare impedit adiudicent^r dampna videt^r si tempus semestre t^rnsierit p impedimentū alicuius. Ita qd Ep^s eccliam conferat ⁊ verus patronus ea vice p^rsentacōm suam amittat adiudicent^r dampna ad valorem ecclie de duobz annis. Et si temp^r nō t^rnsierit set dis^ronet^r p^rsentacio infra tempus p^rdēm tūc adiudicent^r dampna ad valorem medietatis ecclie p annū. Et si impeditor nichil heat vnde restitūe possit dampna in casu quando Ep^s confert p lapsum temporis puniat^r p p^rsonam duoz annoz. Et si aduocacio dis^ronetur infra temp^r semestre, puniat^r tamen impeditor p p^rsonam dimidii anni. Et decetero concedant^r breuia de capellis p^rbendis vicariis hospitalibz Abbatibz Prioratibus ⁊ aliis domibz que sunt de aduocacionibz aliquoz que prius concedi nō consuefint. Et cum p breue Indicauit impediat^r rector alicui^r ecclie ad petend^r decimas in vicina pochia heat patronus rectoris sic impediti b^re ad petend^r actionem decimarū petitaz et cū dis^rona^rit, pcedat placitum postmodum in Curia xpianitatis quatenus dis^ronatū f^ruit in Cu^r Regis. Cum aduocacio descendit participibz licet vnus bis p^rsentet ⁊ bis vsurpet sup coheredem nō pp^r hoc exclusus sit ille in toto qui fuit negligens s3 alias heat turnū suū p^rsentandi cum acciderit.

De Waranto
vocalo per
implacitatum.

Cum quis petat tenementū vsus alium ⁊ imphitat^r vocal^rit ad Warantū ⁊ Warātus dedicat Warantiam ⁊ diu pendeat placitum in^r tenentē ⁊ Warantū cū ad vltimū conuincat^r qd vocal^r ad Warantū Warantizare tenet^r p legem ⁊ consuetudinē hactenus vsitatam, nō fuit alia pena inflicta vocalo qui Warantizare dedixit nisi tantū qd Warantizaret ⁊ esset in mīa quia prius nō Warantizauit quod durum fuit petenti qui multociens p collusionem in^r tenentem ⁊ Warantū magnas sustinuit dilaciones, pp^r qd statuit d^rs Rex qd sicut tenens amittet tenementū petitū si vocasset ad Warantum

England or in dower, the true heir is disturbed in presenting when the church shall have been void, it is provided, that from henceforth it be in the election of the party disturbed, whether he will sue by writ of *quare impedit*, or of *darrein presentment*. The same shall be observed in advowsons demised for term of life, or years, or in fee-tail.

And from henceforth, in writs of *darrein presentment* and *quare impedit*, damages be awarded, that is to say, if the period of six months shall have passed by the disturbance of any, so that the Bishop confer the church, and the true patron lose his presentation for that time, that damages be adjudged to two years' value of the church. And if the six months be not passed, but the presentment be deraigned within the said time, then damages be adjudged to the half-year's value of the church. And if the disturber have not whereof he can recompense damages, in case where the Bishop confers by lapse of time, he shall be punished by two years' imprisonment: and if the advowson be deraigned within the six months, yet that the disturber be punished by imprisonment of half a year.

And from henceforth that writs be granted of chapels, prebends, vicarages, hospitals, abbeys, priories, and other houses which are of the advowsons of any, that have not before been used to be granted. And when by a writ of *Indicavit*, the rector of any church is hindered in demanding tithes in the next parish, that the patron of the rector so hindered have a writ to demand the action of the tithes demanded, and when it is deraigned, then that the plea proceed in a court Christian as far as it was deraigned in the King's court. When an advowson descends to parceners, although one present twice, and usurp upon the coheir, he that was negligent shall not be totally barred, on this account, but another time shall have his turn to present when it happens.

VI. When anyone demands a tenement against another, and the party that is impleaded vouches to warranty, and the warrantor denies the warranty, and the plea long pends between the tenant and the warrantor; and at length, when it is proved that the vouchee is bound to warranty, by the law and custom hitherto used, there was no other punishment assigned for the vouchee who denied his warranty, but only that he should warrant and should be amerced, because he did not warrant before; which was prejudicial to the demandant, who suffered oftentimes great delays by collusion between the tenant and the warrantor; wherefore the lord the King has ordained that like as the tenant should lose the tenement demanded, if he vouched to

Damages in
Quare impedit
and *Darrein*
Presentment.

Writs for
chapels,
prebends,
vicarages, &c.

Usurpation by
one parcener
on another.

Of warrantor
vouched by
the party
impleaded.

et Warantus se posset deuolue a Warantia eodem modo amittat Warant' si Warantiam dedicat et conuincatur qd Warantizare debeat. Et si inquisicio pendeat in^o tenentē et Warantū et petens petat breue ad faciendū venire Juratam, concedatur ei.

De admensu-
racione dotis
concessa
Custodi per
Breue.

Custodi de celo concedat' breue de admensuracione dotis nec p sectam custod' si fite et p collusionem sequatur versus mulierem tenentem in dotem precludat' heres cum ad etatem puefit ad dotem mensurand' scdm p legem fre fuit amensuranda et ē in isto breui q^a in bñ de admensuracione pasture celerior q^a prius de celo sit pcessus ita qd cum puentum fuerit ad magnam discrecom dent' dies infra quos duo Comitatus teneant' ad quos publica fiat pclamacio qd defendens veniat ad diem in bñ contentū querenti respons', ad quē diem si uenit, pcedat placitum in^o eos et si nō uenit, et pclamacio supradco meo¹ p viē testificata fuerit pcedat' p defaultam ad admensuracionem faciendam.

De admensu-
racione
pasture
per Breue.

Cum p placitum motum p breue de admensuracione pasture pastura fuit amēsurata aliquando coram Justic aliquando in Comitatu multociens contingat qd post hui' modi admensuracom fcam ipm ponat ille qui prius supofiafit pasturam illam plura alia q^a ad ipm ptinet habend' nec hucusq^a puisum fuisset remediū; statutū est q^a de supofiacone scda fiat remediū conquerenti sub hac forma qd conquerens heat bñ de iudicio si coram Justic admensurata fuit pastura qd viē in pscencia parciū pmunitas si infesse voluerint inquirant de scda supofiacone que si inuenta fuit, mandetur Justic sub sigillo viē et sigillis Jur. Et Justic adiudicent conquereti dampna et ponant in extractis valorem animaliu que supofians post admensuracom fcam posuit in pastura vltra quod debuit et extractas libent Baronū² de sc'cio vt inde respondeant dno Regi. Si in Comitatu fca fuit admensuracio, tūc ad instanciam querentis exeat breue de Cancellaria qd inquirat

¹ So in MS. for *modo*.

² So in MS. for *Baronibus*.

warranty, and the warrantor could discharge himself of the warranty, in the same way that the warrantor lose if he denies his warranty, and it be proved that he is bound to warrant. And if an inquest be depending between the tenant and the warrantor, and the demandant require a writ to cause the jury to come, it be granted him. *Ventre facias* at demandant's request.

VII. A writ of *admeasurement of dower* shall be from henceforth granted to a guardian; neither shall the heir, when he shall have come to age, be barred by the suit of a guardian, who may sue against the tenant in dower feignedly, and by collusion, but that he may admeasure the dower, as it ought to be admeasured by the law of the land. And as well in this writ, as in a writ of *admeasurement of pasture* there be more speedy process than has been used hitherto; so that when it shall have come to the great distress, days shall be given, within which two county [courts] may be held, at which public proclamation be made, that the defendant come in at the day contained in the writ, to answer to the plaintiff; at which day, if he shall come, that the plea proceed between them; and if he come not, and the proclamation shall be testified by the sheriff in manner aforesaid, that upon default they proceed to make admeasurement. *Admeasurement of dower granted to guardian by writ.* Process thereon and in admeasurement of pasture.

VIII. Whereas by a plea moved upon a writ of *admeasurement of pasture*, the pasture has been admeasured sometimes before the justices, sometimes before the sheriff in the county [court] it often happens that after such admeasurement made, he who first overcharged the pasture again places more beasts on it than he ought to keep, nor has any remedy been hitherto provided; it is ordained, that upon the second overcharge, remedy be made to the plaintiff in this manner; if the pasture were admeasured before the justices, that the plaintiff have a writ of judgment, that the sheriff in presence of the parties being summoned, if they wish to be present, inquire of the second overcharge; which if it shall be found, it be returned to the justices, under the seal of the sheriff, and the seals of the jurors; and the justices adjudge damages to the plaintiff, and put in the estreats the value of the beasts which the overcharger placed, beyond what he ought, in the pasture after such admeasurement made, and deliver the estreats to the Barons of the Exchequer, that they may thereof answer to the lord the King. If such admeasurement shall be made in the county [court], then, at the request of the plaintiff, that a writ issue out of chancery, that the sheriff inquire of such overcharge; and for *Admeasurement of pasture by writ.*

sup huiusmodi suppositione. Et de aliis positis in pastura ultra debitum nummum vel de precio domino Regi ad sanctam respondeat. Et ne vicecomitem fraudem faciant domino Regi in isto casu, concordatum est quod omnia huiusmodi breuia de sancta suppositione que exeunt de Cancellario irrotulentur et in fine anni mittantur transcriptum ad sanctam sub sigillo Cancellarii ut videant Theobaldus et Barones de sancto qualiter vicecomes respondebunt de exitibus huiusmodi breuium. Eodem modo irrotulentur breuia de redisseis et mittantur ad sanctam in fine anni.

De medio.

Cum capitales domini distinguant feodum suum per iuricia et consuetudinibus debitis et medius sit qui tenentem acquietare debet cum non iaceat in ore tenentis propter primam distinctionem replegiavit dedisse demandam Capitalem domini qui aduocat in Curia domini Regis iustam distinctionem super tenentem suum videlicet super medium multi per huiusmodi distinctiones hucusque grauati extiterint per hoc quod medius licet haret per quod distinguere posset magnas fecerunt dilaciones antequam ad Curiam venissent ad respondendum huiusmodi tenentibus suis ad breue de medio, per hoc etiam quod durus fuit in casu quando medius nichil habuit in casu etiam quando si tenens paratus esse facere Capitali domino iuricia et consuetudines exactas et capitalis dominus iuricia et consuetudines sibi debitas renuebat recipe per manum alterius quam per manum proximi tenentis sui et sic amiserunt huiusmodi tenentes in domino periculum terrarum suarum, aliquando ad tempus aliquando toto tempore suo, non fuit antea aliquod remedium in hoc casu primum; ordinatum est et primum in hoc casu remedium imposterum sub hac forma quam cito huiusmodi tenens in domino habens medium in ipsum et capitalem dominum distringitur statim perquirat sibi tenens breue de medio. Et si medius habens terram in eodem Comitatu defugerit versus ad magnam distinctionem detur querenti in brevi suo de magna distinctione talis dies ante cuius aduentum duo Comitatus teneantur et precipiatur vicecomes quod distringat medium per magnam distinctionem puta in brevi continetur. Et nominetur vicecomes in duobus plenius Comitatus sollempniter proclamari faciat quod huiusmodi medius veniat ad diem in breui contentum responsurus tenenti suo. Ad quem diem si venerit, prestat placitum in eos modo consueto; et si

the beasts put into the pasture beyond the due number, or for the value of them, let him answer to the lord the King at his Exchequer. And lest the sheriffs may defraud the lord the King in this case, it is agreed, that all such writs *De secunda superoneratione* that issue out of chancery, be inrolled, and at the end of the year a transcript be sent into the Exchequer under the Chancellor's seal, that the Treasurer and Barons of the Exchequer may see how the sheriffs shall answer of the issues of such writs; in the same way, writs of *redisseisin* shall be inrolled and sent into the Exchequer at the end of the year.

Writs *De secunda superonerations* to be inrolled.

Also writs of *re-disseisin*.

IX. When chief lords distrain in their fee for services and customs to them due, and there is a mesne who ought to acquit the tenant, since it lies not in the mouth of the tenant, after he shall have replevied the first distress, to deny the demand of the chief lord, who avows in the lord the King's court, that the distress is lawfully taken upon his tenant, namely upon the mesne; many have been hitherto oppressed by such distresses, inasmuch as the mesne, notwithstanding that he have whereby he may be distrained, made long delays before he came into the court to answer to such his tenants to the writ of mesne; and further, the case was very hard when the mesne had nothing; in case also when if the tenant was ready to perform to the chief lord the services and customs demanded, and the chief lord refused to take the services and customs due to him, by the hand of any other than of his next tenant, and so such tenants in demesne lost the profit of their lands sometimes for a time, and sometimes for their whole time, and heretofore no remedy has been provided in this case: there is ordained and provided a remedy for the future in this form; that so soon as such tenant in demesne, having a mesne between himself and the chief lord, is distrained, immediately the tenant purchase a writ of mesne; and if the mesne having land in the same county, absent himself until the great distress, the plaintiff have such day given him in his writ of great distress, before the coming of which day two county [courts] may be held, and the sheriff be commanded to distrain the mesne by the great distress, like as it is contained in the writ; and nevertheless the sheriff in two full counties cause to be proclaimed solemnly, that such mesne come at a day contained in the writ, to answer his tenant: at which day if he come, that the plea proceed between them in the accustomed manner; and if he do not

Of the mesne.

The writ of mesne, and new process therein.

nō vēsit, amittat hui' modi medius ſuiciū tenentis ſui amodo nō respondeat ei tenens in aliquo ſet omiſſo illo medio, respondeat capitali dño de eiſdem ſuiciis que prius faċe debuit ꝑ dco medio. Nec heat capitalis dñs poteſtatē diſtingendi dum ꝑdcs tenens offerat ei ſuicia debita & conſueta. Et ſi capitalis dñs exegit pluſq^a medius ei faċe deberet heat tenens in hac caſu excepcom quā hret medi'. Si u^o medius nichil habuit in poteſtate Regis, nichilomin' pquirat tenens bñe ſuū de medio ad viċ Comit' illius in quo diſtingit'. Et ſi viċ mandauit qđ medius nichil habet vbi poteſt ſūmoneri, nichilomin' ſequat' bñe de attachiamento. Et ſi viċ mandauit qđ nichil habet ꝑ quod poteſt attachiari, nichilomin' ſequat' bñe de magna diſtrictione et fiat ꝑclamacio in forma ꝑdca. Si uero medius nō habeat ꝑram in Coñ in quo fit diſtrictio ſet heat ꝑram in alio Coñ, tūc exeat bñe originale ad ſūmon mediū ad viċ Coñ in quo fit diſtrictio. Et cum teſtificatum fuit ꝑ illum viċ qđ nichil habet in Coñ ſuo, exeat bñe de iudicio ad ſūmonend mediū ad viċ Coñ illius in quo teſtificatū fuit q^a hñt tēñ & fiat ſecta in illo Coñ quouſq^a pueniat ad magnam diſtriccōm & ꝑclamaconem ſicut dcm eſt ſup^a de medio habente ꝑram in eodem Coñ in quo fit diſtrictio et n'omin' fiat ſecta in Coñ in quo nichil habet ſicut dcm eſt ſup^a de medio nich habēte quouſq^a puēiat' ad magnam diſtriccōm & ꝑclamaconem & ſic poſt ꝑclamaconem in vtroq^a Coñ fcam abiudicet' medius de feodo & ſuicio ſuo. Cum aliqui contingat qđ tenēs in dñico feoffat' eſt ad tenend ꝑ min' ſuiciū q^a medius faċe debuit capitali dño cum poſt hui' modi ꝑclamaconem attornat' ſit tenens capitali dño medio omiſſo, necesse hēbit tenens reſpondere capitali dño de ſuiciis & conſuetudinibz que medius ei prius facere debuit. Et poſtq^a vēſſit medius in Cuñ & cognouit qđ acquietare debet tenemētū ſuū vel adiudicet' ad acquietand ſi poſt hui' modi cognicōm aut iudiciū querimonia puēiat qđ medius nō acquietat tenentem tūc exeat bñe de iudicio qđ viċ diſtingat medium ad acquietand tenentē & ad eſſend coram Juſtiċ ad ſtūm diem ad oſtendend quare ꝑius nō acquietauit. Et cum ꝑ diſtriccōm

come, that then such mesne lose the service of his tenant, and from thenceforth the tenant may not answer him in any thing; but, the same mesne being excluded, that he answer unto the chief lord of such services as before he ought to have performed to the said mesne; nor shall the chief lord have power to distrain, so long as the aforesaid tenant offer him the services due and accustomed; and if the chief lord shall have exacted more than the mesne ought to render to him, that the tenant in such case have such exception as the mesne should have. And if the mesne had nothing within the King's jurisdiction, the tenant nevertheless may purchase his writ of mesne to the sheriff of that county wherein he is distrained. And if the sheriff shall have returned, that the mesne has nothing whereby he may be summoned, nevertheless that he sue a writ of attachment. And if the sheriff return, that he has nothing by which he may be attached, he nevertheless may sue a writ of great distress, and proclamation shall be made in form aforesaid. And if the mesne have no land in the county in which the distress is taken, but have land in another county, then that a writ original to summon the mesne, issue unto the sheriff of the county where the distress is taken. And when it shall have been returned by the said sheriff that he has nothing in his county, that a writ of judgment issue, to summon the mesne, unto the sheriff of that county in which it shall be testified that he has tenements, and suit shall be made in that county, until the process come to the great distress and proclamation, as above is said of the mesne having land in the same county in which the distress is taken; and nevertheless that suit be made in the county in which he has nothing, as above is said of the mesne that has nothing, until the process come to the great distress and proclamation; and so after proclamation made in each county, that the mesne be forejudged of his fee and service. And where it happen sometimes, that the tenant in demesne is infeoffed to hold by less service than the mesne ought to render unto the chief lord, when after such proclamation the tenant has attorned to the chief lord, the mesne being excluded, the tenant must of necessity answer unto the chief lord for the services and customs which the mesne ought before to render to him. And after the mesne shall have come into court, and confessed that he ought to acquit his tenant,¹ or be adjudged to acquit, if after such confession or judgment it is complained that the mesne does not acquit his tenant, that then a writ of judgment issue, that the sheriff distrain the mesne to acquit

The mesne forejudged of his fee and services in default of appearance.

The tenant holding by less service than the mesne.

Proceedings when the mesne appears.

¹Other MSS. have *tenentem*.

eueffit, audiat^r querens et si querens verificare possit qđ ipm nō acquietauit, satisfaciet de dampnis ⁊ p iudiciū recedat tenens q'et^r de suo medio ⁊ attornet^r capitali dno. Et si ad p^{imam} districcōm nō uenit exeat b^{re}e de alia districtione ⁊ fiat pclamacio postq^a testificata fūit pcedat^r ad iudiciū sicut supius dcm est. Et sciend qđ p hoc statutū nō excludunt^r tenentes quin hēant Warantiam si de tenementis suis implacitant^r sup medios suos ⁊ eoꝝ heredes scđm quod prius habuerunt. Nec eciam excludunt^r tenentes quin sequi possint versus medios suos scđm consuetudinē p^{ius} vsitatam si viderint qđ pcessus eoꝝ plus valeat p antiq^a consuetudinē q^a p istud statutū. Et sciend est qđ p istud statutū nō puidet^r remediū quibꝫcūq^q mediis set solū^o in casu cū sit vnus medius tantum in^l dñm dist'ngentē ⁊ tenentē ⁊ in casu quando medius ille est plene etatis. Et ī cāu quando tenens sine pⁱiudicio alⁱius q^a medii attornare se potest capitali dno q^od dcm est p mulieribꝫ tenentibꝫ in dotem, tenētibꝫ p legem Ang^t vel ali^o ad lⁱminū vite vⁱ p feodum talliatum quibꝫ p aliquibꝫ causis nōdū est puisum remediū set deo dāte alias prouidebitur.

De Libera-
tione breuium
in Itinere
Justi-
ciariorum.

Cum in itin^e Justicⁱ proclamatum fūit qđ omnes qui breuia liberare voluerint ea liberent inf^a certum lⁱminū post quē nullum breue recipiat^r mⁱti de hoc cōfidētes cum moram fecint usq^q ad p^odcm lⁱminū ⁊ nullū breue sup eos fūit libatum de licēcia Justicⁱ recedunt post quoꝝ recessum adūsarii sui ipōꝝ absenciam pⁱipientes breuia sua porrigunt in cera que aliquando p fauorem aliquando p viē p dono recipiuntur ⁊ illi qui secure credebant recessiase, teñ sua amittūt vt hui^omodi fraudi subueiat^r imposterum ; statuit dñs Rex qđ Justicⁱ in Ititibꝫ suis statuunt lⁱminū qⁱndene vel mensis minoris vel maioris lⁱmini scđm qđ Comⁱ fūit maior vel minor iuf^a quē lⁱminū publice pclamet^r qđ omēs qui breuia liberare voluerint ea liberent cit^a illum lⁱminū ⁊ in aduentu illius lⁱmini stificet viē capitalem Justicⁱ itifis quot breuia habet ⁊ que ⁊ ultra illum lⁱminū nullum breue recipiatur quod si receptum fuerit processus p illud fcs p nullo habeatur ex^ecepto qđ b^{re}e cassatum durāte

his tenant, and to be at a certain day before the justices, to show why he had not acquitted him before. And when he has come by force of the distress, let the plaintiff be heard; and if the plaintiff can prove that he has not acquitted him, he shall satisfy the damages, and by judgment the tenant shall go quit from his mesne and attorn unto the chief lord. And if he come not at the first distress, let a writ issue for another distress and let proclamation be made; and after it is returned let it proceed to judgment, as beforesaid. And it is to be understood, that by this statute, tenants are not excluded, but that they have warranty of their mesnes and the heirs of them, if they be impleaded of their tenements, as they have had before. Nor that the tenants be excluded, but that they may sue against their mesnes, as they used hitherto, if they see that their process may avail more by the old custom, than by this statute. And it is to be understood, that by this statute no remedy is provided to any mesnes, but only in case where there is but one mesne only between the lord that distrains and the tenant, and in case where that mesne is of full age; and in case where the tenant may attorn unto the chief lord, without prejudice of any other than of the mesne, which is said for women holding in dower, tenants by the law of England, or otherwise for term of life, or in fee-tail, to whom for certain causes remedy is not yet provided, but, God willing, it shall be at another time.

Damages in
a writ of
mesne

Tenants may
have warranty
of the mesne.

For what
tenants this
statute is
ordained.

X. When in the circuit of justices it shall have been proclaimed, that all who wish to deliver writs, should deliver them within a certain term, after which no writ should be received; many trusting to this when they shall have waited until the said term, and no writ was served upon them, depart by licence of the justices; after whose departure their adversaries, perceiving their absence, deliver their writs in wax, which sometimes by favour, and sometimes for reward, are received by the sheriff, and those who believed they had departed in security lose their tenements; for the remedy of such fraud hereafter, the lord the King has ordained that the justices in their eyres appoint a term of fifteen days, or a month, the term shorter or longer, according as the county shall be larger or smaller, within which term it be publicly proclaimed, that all who wish to deliver their writs, deliver them before the same term; and when the time comes, the sheriff certify the chief justice of the eyre how many writs he has, and what, and that no writ be received after that term; and if it shall be received, the process issuing thereupon be of no effect, except that a writ abated may be revived any time during the whole eyre. Also writs of dower

Of delivery of
writs in the
eyre of the
Justices.

toto itinere releuari possit. Breuia etiam de dote de viris qui obierint infra sūmonicōm itineris assise vltime p̄sentacionis * quare impedit, De eccl̄iis vacantibz infra sūmonicionem p̄d̄cam quocūq; tempore ante recessum Justic̄ recipiant^r. Breuia etiam nove dissie quocumq; tempore fca fuerit dissia recipiant^r.

De attornatis
in Itinere
Justi-
ciariorum.

In Itinibz Justic̄ concedit dñs Rex de gr̄a speciali qđ illi qui tenementū habent in diūsis Coñ in quibz Justic̄ itinant vel de quibzdam tenementis in Coñ in quo Justic̄ Itinant tinent implacitari * de aliis tenementis in Coñ in quo Justic̄ nō itinerant implacitant^r coram Justic̄ apud Westm̄ vel de Banco dñi Regis vel corā Justiciar̄ ad assisas capiendū assign vel in aliquo Coñ coram vič vel in aliq^a Cur̄ Baronū facta possint gēfale attornatum ad sequendū p̄ eis in omibz placitis in Itinere Justic̄ p̄ ip̄is vel cont^a ip̄os motis vel mouendū durante itine quicquidē attornatus vel attornati hēant potestatem in placitis motis in itine quousq; placitū c̄minetur vel dñs suus ip̄m amovit nec p̄ hoc excusent^r si sint in Juratis assis coram eisdem Justiciariis.

De hiis qui
compotum
reddere
tenentur

De seruientibz Balliuis Camariis * quibzcuq; receptoribz qui ad compotum reddendū tenent^r concordit^o est ordinatum * statutum qđ cū dñs hui⁹modi seruientum dederit eis auditores compoti * contingat ip̄os esse in arreragiis sup̄ compotum suum aretent^r corpora eoꝝ * p̄ testimoniū auditoꝝ cōpoti eiusdē mittantur * liberent^r p̄xie gaole dñi Regis in ptibz illis * a vič seu custode eiusdē gaole recipiant^r * mancipant^r carceri in ferris * sub bona custodia * in illa p̄sona remaneāt de suo pprio viuentes quousq; dñis suis de arreragiis plenā satisfecint. Attamen si quis sit gaole liberatus conquerat^r qđ auditores compoti ip̄m iniuste g^auaneūt onerando de receptis que nō recepit vel nō allocando expensas aut liberaciones rōnabiles * inueniat amicos qui eum manucepe voluerint ad ducendū liberet^r eis. Et scire fac vič in cui⁹ potestate fuerit dñs¹ qđ sit coram Baronibz de sc̄cio ad aliquem c̄tum diem

¹ So in MS. ; dñs in other MSS.

of men who died within the summons of the eyre, assises of *darrein presentment*, and *quare impedit*, of churches vacant within the aforesaid summons, may be received at any time before the departure of the justices. Also writs of *novel disseisin*, at what time soever the disseisin was done, be received.

In the eyres of the justices, the lord the King of his special grace grants, that those who have tenements in divers counties, where the justices make their circuit, or fear to be impleaded of certain tenements in counties where the justices make their circuit, and are impleaded of other tenements in counties where the justices have no circuit, as before the justices at Westminster, or in the King's Bench or before justices assigned to take assises, or in any county [court] before sheriffs, or in any court Baron, may make a general attorney to sue for them in all pleas in the circuit of justices moved or to be moved for them, or against them, during the circuit, which attorney or attorneys shall have power in pleas moved during the circuit, until the plea be determined, or his lord remove him; yet that they be not excused thereby, from being put on juries or assises before the same justices.

Of attorneys in the eyre of the justices.

XI. Concerning serjeants, bailiffs, chamberlains, and all manner of receivers, who are bound to yield account, it is with one consent agreed and ordained, that when the lord of such servants assigns auditors of their account, and it happens that they are in arrear upon their account, their bodies be arrested and by the testimony of the auditors of the said account, they be sent and delivered to the next gaol of the lord the King in those parts, and be received by the sheriff or keeper of the gaol, and imprisoned in irons under safe custody, and remain in the same prison living at their own cost, until they shall have satisfied their lords fully of the arrears. Nevertheless if any person being so committed to gaol, complain that the auditors of account have injured him unjustly, charging him with receipts that he has not received, or not allowing him expenses, or reasonable disbursements, and he can find friends who will mainprise to bring him [before the Barons of the Exchequer], that he be delivered unto them. And the sheriff, in whose power he shall have been, cause his lord to know, that he be before the Barons of the Exchequer at a certain day, with the rolls and tallies

Of those who are bound to render account.

Proceedings may be removed into the Exchequer.

cū rotulis ⁊ talliis p quos compotū reddiderit ⁊ in p̄sencia Baronū vel auditorū quos assignare voluerint recitet^r compot^r ⁊ fiat partibz iusticia ita qđ si fūit in arreragiis, cōmittat^r gaole de flete vt sup^adcm est. Et si defugerit ⁊ gratis compotum reddere noluerit, sicut alibi in aliis statutis continet^r distringat^r ad veniendū coram Justicē ad compotū reddendū si hēant p quod distⁿgi possit, ⁊ si ad Cur^m vēssint dent^r auditores compoti corā quibz si fūint in arreragiis si statim arreragia solūe nō possint cōmittant^r gaole custodiendi in forma p̄dca. Et si defugerint ⁊ testatū fūit p vič qđ nō sunt inuenti exigant^r de Com^m in Comitatum quousq^q vtlagent^r ⁊ sint hui⁹modi incarcerati irreplegiabiles. Et caueat sibi vič vel Custos eiusdem gaole siue sit in libtate siue extra qđ p cōmune b̄re quod dicitur replegiari vel alio modo sine assensu dñi ip̄m a p̄sona exire nō pmittat quod si fecerit, ⁊ sup hoc conuincat^r respondeat dño de dampno p hui⁹modi sūientē sibi illato scđm quod p p̄riam verificare poſit ⁊ ita hēat recu-
pare suū p b̄re de debito. Et si custos gaole nō hēat p quod Justiciet^r vel vnde soluat respondeat supior suus qui custodiam hui⁹modi gaole sibi cōmisit p idem b̄re.

De falsis
appellis

Qvia multi p maliciam volentes alios grauare pcurant falsa appella fieri de homicidio ⁊ aliis feloniiis p appellatores nichil habentes vnde dño Regi p falso ap̄llo nec appellatis de dampnis respondere possint statutū est qđ cum aliquis sic ap̄llat^r de felonia sibi imposita se acquietaſit in Cur^m Regis modo debito vel ad sectā appellatoris vel dñi Regis, Justicē coram quibz auditū erit hui⁹modi appellū ⁊ terminatū puniant appellatorem p p̄sonam vni⁹ anni, et nichilomin⁹ restituāt hui⁹modi appellatores appellatis dampna p discrecōm Justicē hito respectu ad p̄sonam vel arrestacōm quā occasione hui⁹modi appellatō^r sustinēūt appellati ⁊ ad infamiam quā p in p̄sonamētū vel alio modo incurrerunt et nichilomin⁹ versus dñm Regem g^ruius redimant^r. Et si forte hui⁹modi appella-
tores nō hēant vnde p̄dca dampna restitūe possint inquirat^r

by which he made his account ; and in the presence of the Barons, or the auditors whom they will assign, the account be rehearsed, and justice be done to the parties, so that if he shall be found in arrear, he be committed to the gaol of the Fleet, as above is said. And if he flee, and will not render account willingly, as is contained elsewhere in other statutes, he be distrained to come before the justices to make his account, if he have whereof he can be distrained. And if they shall come to the Court, auditors of account be assigned, before whom if they shall be found in arrear, if they cannot pay the arrears forthwith, they be committed to the gaol to be kept in manner aforesaid. And if they flee, and it be returned by the sheriff that they cannot be found, that they be proclaimed from county to county, until they be outlawed, and let such prisoners be not replevable. And let the sheriff or keeper of such gaol take heed, whether it be within a franchise, or without, that he do not suffer him to go out of prison by the common writ called *replegiari*, or by other means, without assent of his lord ; and if he do, and thereof be convicted, that he be answerable to the lord for the damage done to him by such servant, according as it may be found by the country, and he may have his recovery by writ of debt. And if the keeper of the gaol have not wherewith he may answer to justice, or whereof he may pay, that his superior, who committed the custody of such gaol unto him, be answerable by the same writ.

Exigents against accountant.
The sheriff or gaoler answerable on escape of an accountant.

XII. Forasmuch as many, through malice intending to injure others, procure false appeals to be made of homicide and other felonies by appellors, having nothing to satisfy the lord the King for the false appeal, nor the parties appealed for their damages ; it is ordained, that when any, being so appealed of felony imputed to him, shall have acquitted himself in the King's court in due manner, either at the suit of the appellant, or of the lord the King, the justices before whom such appeal shall be heard and determined, punish the appellant by a year's imprisonment, and the appellors nevertheless restore to the parties appealed their damages, according to the discretion of the justices, having respect to the imprisonment or arrest that the parties appealed sustained by reason of such appeals, and to the infamy that they have incurred by the imprisonment or otherwise, and nevertheless make a grievous fine unto the lord the King. And if peradventure such appellors have not wherewith to recompense the said damages, it shall be inquired

Of false appeals.
A year's imprisonment

p sacrm pboꝝ & laḡ hōiū p quoꝝ abettum formatum fuerit hui' modi appellū p maliciam si appellatus hoc petat. Et si inueiat' p illam inquisicōm qđ aliquis sit abettator p maliciam p breue de iudicio ad sectam appellati dist'ngat' ad veniend corā Justiciariis. Et si legitimo modo conuictus fuerit de hui' modi abetto p maliciam, punia' p p'sonam & ad restitucōm dampnoꝝ teneat' sicut supius dcm est de appellatore. Nec iaceat decesso appellatori de appello de morte hominis essoniū in quacūq Curia appellum fuit p'minand.

De vicecom-
itibus
homines non
culpabiles
capientibus in
turnis suis.

Quia vicecomites multociens fingentes aliquos coram eis in turnis suis indictatos de furtis & aliis malefcis capiunt homines nō culpabiles nec legitto modo indictatis & eos imprisonant & ab eis pecuniam extorquent & cū legitto modo p xij^{im} Juratores nō fuerint indictati; statutū est qđ vicecomites in turnis suis & alibi cum inquirere hēant de malefactoribꝫ p pceptū dñi Regis vel ex officio suo p legē hoīes ad minus duodecim, faciant inquisitiones suas de hui' modi malefactoribꝫ qui inquisitionibꝫ illis sigilla sua apponant et illos quos p hui' modi inquisitiones inuenerint culpabiles capiant & imprisonent scđm qđ alias fieri consuevit. Et si alios imprisonaūint q^a p hui' modi inquisitiones indictatos hēant hui' modi imprisonati actionem suam p b're de imprisonamēto versus vič sicut hērent versus quācumq aliam psonam qui eos imprisonaret sine Waranto & sicut dcm est de vič obsuet' de quolibet ballino libtatis.

De vasto
facto per
Custodem

Cum de vasto fco in hereditate alicui' p custodes tenentes in dotem p legē Angl vel alil' ad p'minū vite consueūit fieri b're de phibicione vasti p quod b're mlti fuerunt in errore credentes qđ illi qui vastum fecerunt nō habuerunt necesse respondere nisi tantū de vasto fco post phibicōm eis directam; dñs Rex vt hui' modi error de cefo tollat' statuit qđ de vasto quocūq modo ad nocumentū alicui' fco nō fiat decesso b're de prohibicione vasti set b're de sūmonendo ita qđ ille de quo querit' respondeat de vasto fco quocūq tempore et post sūmonicōm si nō vēnit attachiet' et post attachiamentū dist'ngat' et post districcōm si nō vēnit mandet' vič qđ in

by oath of good and lawful men by whose abetment such appeal was formed by malice, if the party appealed desire it; and if it be found by the same inquest, that any man is abettor through malice, at the suit of the party appealed, he be distrained by a writ of judgment to come before the justices; and if he be lawfully convicted of such malicious abetment, he be punished by imprisonment and bound to restitution of damages, as before is said of the appellor. And that from henceforth in appeal of the death of a man, no essoin lie for the appellor, in whatsoever court the appeal shall come to be determined.

Inquiry of abettors of appeals and their punishment.

No essoin for the appellor.

XIII. Forasmuch as sheriffs, oftentimes feigning certain persons to be indicted before them in their turns, of thefts and other trespasses, take men that are not guilty or lawfully indicted, and imprison them, and exact money from them, whereas they were not lawfully indicted by twelve jurors; it is ordained, that sheriffs in their turns, and in other places, when they have to enquire of malefactors by the lord the King's precept, or by their office, make their inquests of such malefactors by lawful men, twelve at the least, who shall put their seals to such inquests; and those that they shall have found guilty by such inquests, they take and imprison, as has been accustomed at other times to be done. And if they shall have imprisoned others than such as have been indicted by such inquests, the parties imprisoned may have their action by a writ of imprisonment against the sheriffs, as they should have against any other person who should imprison them without warrant; and as it has been said of sheriffs, so be it observed of every bailiff of a franchise.

Of sheriffs taking men not guilty, in their turns.

XIV. Whereas for waste done in the inheritance of any person, by guardians, tenants in dower, tenants by the law of England, or otherwise for term of life, a writ of prohibition of waste has been used to be granted, by which writ many in error, thinking that those who had done the waste had not need to answer, except of waste done after the prohibition to them directed; to remove from henceforth this error, the lord the King has ordained, that of all manner of waste done to the damage of any person, there be not from henceforth a writ of prohibition of waste awarded, but a writ of summons, so that he of whom complaint is made, answer for waste done at any time; and if he come not after the summons, that he be attached, and after the attachment he be distrained; and if he come not after the distress,

Waste done by a guardian.

ppria psona assumpto secum duodecim ec̃ accedat ad locum vastatum & inquirat de vasto & returnet inq̃aicōm et post q̃^a retornata fuit pcedat^r ad iudiciū scđm qđ q̃tine^r in statuto prius edito apud Westm.¹

De secta
pro minoribus
infra etatem.

In om̃i casu quo minores infra etatem implacitare possunt, concessum est qđ si hui⁹modi minores elongati sint quo minus psonali⁹ sequi possint; p̃pinq̃iores amici admittantur ad sequend⁹ p eis.

De maritagio
minoris
tenentis de
diuersis
dominiis.

In casu quo alicui minori descendat^r hereditas ex parte p̃ris qui tenuit de vno dño & ex parte matris que tenuit de alio dño, dubitacio hucusq̃ extitit de maritagio hui⁹modi minoris ad quem de duobz dñis ptineat; concordatū est qđ ille dñs decefo habeat maritagiū antecessor prius fuit feoffatus nō h̃ito respectu ad sexum nec ad q̃ntitatem tenementi set solūmodo ad antiquiū feoffamentū p s̃uiciū militare.

De essonia de
malo lecti in
Itinere Justi-
ciariorum.

In Itinere Justiē nō admittat^r decefo essonia de malo lecti de teñ in eodē Cōm nisi ille qⁱ se facit essoniare veracit⁹ sit infirm⁹ quia si excipiat^r a petente qđ tenens nō est infirmus nec in illo statu quo venire nō potuit coram Justiē admittat^r eius calumpnia. Et si hoc p inq̃aicōm conuinci pōsit, veracit⁹ illud essoniū in defaltā nec iaceat decetero istud essoniū in b̃ri de recto in⁹ duos clamantes p vnū descensum.

De debito
recuperato.

Cvm debitum fuit recuperatum vel in Cuf Regis recognitū vel dampna adiudicata, sit decefo in electione qui sequit^r p hui⁹modi debito aut dampnis sequi b̃re qđ viē fieri fac de p̃ris & catall⁹ vt quod viē libet ei om̃ia catalla debitoria, exceptis bobz & affris caruce & medietatē terre sue quousq̃ debitū fuit leuatum p rōnabile preciū & extentam et si eiciat^r ab illo tenemento heat recuperare p b̃re noue dissie & postea per b̃ro redissie si n̄cē fuit.

Another MS. reads "Gloucester." See Stat. Gloucester, cap. v. (p. 86).
Vertatur in other MSS.

the sheriff be commanded that in proper person he take with him twelve &c., and go to the place wasted, and inquire of the waste and return an inquest, and after the inquest returned, it proceed to judgment, as it is contained in the statute first made at Westminster. Inquiry of waste.

XV. In every case in which minors under age may plead, it is granted that if such minors be eloined, so that they cannot sue personally, their next friends be admitted to sue for them. Of suit for minors.

XVI. In case where an inheritance descends to a minor, on the side of the father, who held of one lord, and on the side of the mother who held of another lord, there has hitherto been doubt, as to the marriage of such a minor, to which of the two lords it should belong; it is agreed, that from henceforth that lord have the marriage, of whom the ancestor was first infeoffed, not having respect to the sex, nor to the quantity of the tenement, but only to the more ancient feoffment by knight service. Marriage of a minor tenant of divers lords.

XVII. In the eyre of the justices, an essoin *de malo lecti* shall not be from henceforth allowed for a tenement in the same county, unless he that caused himself to be essoined be sick indeed; for if the demandant make exception that the tenant is not sick, nor in such plight but that he may come before the justices, his challenge shall be admitted. And if it can be so proved by inquest, that essoin shall be turned to a default; and from henceforth such essoin shall not lie in a writ of right between two claiming by one descent. Of the essoin *de malo lecti* in the eyre of the Justices.

XVIII. When a debt shall have been recovered or acknowledged in the King's court, or damages adjudged, it shall be from henceforth in the election of him who sues for such debt or damages, to sue out a writ that the sheriff cause him to have of the lands and chattels, or that the sheriff shall deliver to him all the chattels of the debtor, saving only his oxen and beasts of the plough, and the one half of his land, until the debt be levied upon a reasonable valuation and extent; and if he be put out of that tenement, he shall have recovery by a writ of *novel disseisin*, and afterwards by a writ of *redisseisin*, if need be. Of a debt recovered.

De bonis
decedentis
intestati ad
ordinarium
deuolutis.

Cvm post mortē alicui⁹ decedentis intestati vel obligati aliquibz in debito bona eius deueniant ad ordinariū disponenda, obliget^r de cōlo ordinarius ad respondendū de debitis quaten⁹ bona defūcti sufficiūt eo modo quo executores respondere tenerent^r si testamentū fecisset.

De respon-
sione in breui
mortis
antecessoris
et consanguini-
tatis.

Cvm Justi^c in placito mortis aīcessor⁹ admittē consueūint responsionē tenentis qđ petens nō est p̄p̄inquir heres aīcessor⁹ de cui⁹ morte tēn petitur & hoc p̄ assisam inquirere, concordatum est qđ in b̄ribz de consanguinitate Auo & pauo que sūt ei⁹dē nature admittat^r illa responsio & inquirat^r & scđm inq̄siciōm ad iudiciū procedat^r.

De seruicio
detento per
Biennium.

Cvm in statuto apud Gloucest^r contineat^r qđ si quis dimiserit tēn alicui, ad reddendū valorem quarte partis tenementi & maioris heat ille qui dimisit vel eius heres postq̄^a cessatum fuit a soluōne p̄ bienniu actōm petendi tēn sic dimissū in dñico. Eodem modo concordatum est qđ si quis detineat dño suo ſuiciū debitū vel cons̄ dño suo p̄ bienniu; heat dñs actionē petendi tenemētū in dñico p̄ tale b̄re. Precipe A. qđ iuste &c reddat B. tale tēn quod C. de eo tenuit p̄ tale seruiciū et quod ad p̄dcm B. reſūti debet eo qđ p̄dcs A. in faciendo p̄dcm ſuicium p̄ bienniu cessauit vt dicit. Et nō solum in isto casu set in casu in quo fit mēcio in p̄dco statuto Glouc^r, fiant b̄ria de Ingressu heredi petenti sup̄ heredē tenētis & sup̄ eos quibz alienatum fuit hui⁹modi tenemētū.

De tenentibus
in Comuni.

Cvm duo vel plures teneant boscum, turbariam, piscariam vt alia hui⁹modi in cōmuni absq̄ hoc qđ aliquis sciat suū sepale & aliquis eoꝝ faciat vastum cont^a voluntatem alius; moueat^r actio p̄ breue de vasto & heat defendens cum ad iudiciū vefit eleccionem capiendi partem suam in dño loco p̄ vi^c & visum & sac̄m & assignacionē vicinōꝝ ad hoc electoꝝ & Juratoꝝ vel concedat qđ nichil capiat de cōlo in hui⁹modi bosco turbaria & aliis nisi scđm qđ p̄ticipes sui cape voluerint. Et si eligat cape p̄tem suam in dño loco, assignet^r ei in sua parte locus vastatus scđm qđ fuit anteq̄^a vastū fecit. B̄re in hoc casu. Cum A. & B. teneant boscum p̄ indiuiso B. fecit fecit¹ vastum &c.

¹ Repeated in MS

XIX. When after the death of a person dying intestate, who is bound to any persons for debt, the goods come to the Ordinary to be disposed, the Ordinary from henceforth shall be bound to answer the debts as far as the goods of the deceased extend, in the same way as the executors should have been bound to answer, if he had made a testament.

Of the goods of a deceased intestate come to the Ordinary.

XX. Whereas justices in a plea of *mortd'ancestor*, have been accustomed to admit the answer of the tenant, that the plaintiff is not next heir of the ancestor, by whose death he demands the tenement, and [is ready]¹ to inquire the same by assise; it is agreed, that in writs of *cosenage*, *aiel*, and *besaiel*, which are of the same nature, that answer be admitted and inquired, and according to the inquisition they proceed to judgment.

Of the answer in a writ of *mortd'ancestor* and *cosenage*.

XXI. Whereas in a statute made at Gloucester, it is contained, that if any demise a tenement to another, to pay the value of the fourth part of the tenement and more, he who demised, or his heir, after the payment has ceased by the space of two years, have an action to demand the tenement so demised in demeane: in like manner it is agreed, that if any withhold from his lord his due or accustomed service by the space of two years, the lord have an action to demand the tenement in demeane, by such a writ; *Praeceptum A. quod iuste, &c., reddat B. tale tenementum quod C. de eo tenuit per tale servitium, & quod ad praedictum B. reverti debet, eo quod praedictus A. in faciendo praedictum servitium per biennium cessavit, ut dicit.* And not only in this case, but also in the case whereof mention is made in the said statute of Gloucester, that writs of entry be made for the heir demanding against the heir of the tenant, and against those to whom such tenement shall be aliened.

As to service withheld for two years.

For heir against heir or alienee.

XXII. When two or more hold wood, turbary, fishery, or other such things in common, wherein none knows his several, and any of them commit waste against the will of another, an action may be moved by a writ of waste; and when it shall have come to judgment, the defendant may choose either to take his part in a place certain, by the sheriff, and by the view, oath, and assignment of neighbours, chosen and sworn for this purpose, or else he agree to take nothing from henceforth in such wood, turbary, and other things but as his parceners will take. And if he choose to take his part in a place certain, the part wasted shall be assigned to him in his part, as it was before he committed the waste. The writ is such in this case:—*Cum A. & B. teneant boscum pro indiviso, B. fecit vastum, &c.*

Of tenants in common

¹ *Paratus est* is read here in other MSS.

De compoto
pro execu-
toribus.

Habeāt deceſo executores breue de compoto ⁊ eandem actionē ⁊ pceſſū p illud bre qualem habuit ⁊ haberet mortuus ſi vixiſſet.

In caſibꝫ quibꝫ conceditꝫ bre in Cancellariā de feo alicuiꝫ deceſo nō recedant querentes a Cur Regis ſine remedio p eo qđ teñ tꝫſfertꝫ de vno in aliū ⁊ in regiſtro de Cancellariā nō eſt inuentū aliquod bre in illo caſu ſpeciale ſicuti de domo muro ꝑicato conceditꝫ bre ſup eum qui leuauit. Et ſi tꝫſferatꝫ domus murus ⁊ hiis conſimilia in aliam ꝑſonam breue denegatꝫ ſet deceſo cū in vno caſu conceditꝫ bre, in ſimili caſu ſimili remedio indigente ſicut prius fit bre. C. Queſtus eſt nobis A. qđ B. inuiſte ec leuauit domū ꝑicatum ⁊ alia que ſunt ad nocumentū ſi huiꝫmodi leuata ad nocumētū tꝫſferatꝫ in aliam ꝑſonam deceſo fiat ſic. C. Queſtus eſt nobis A. qđ B. ⁊ C. leuauerunt ec. Eodem modo ſicut ꝑſona alicuiꝫ ecclie recupare poteſt cōmunā pasture p bre noue diſſie, eodem modo deceſo recuperet ſuccesor ſup diſſeiſitorē vel eiꝫ heredē p bre qđ ꝑmittat licet huiꝫmodi bre prius a Cancellaria nō fuit conceſſum. Eodē modo ſicut conceditur bre de vtrum aliquod teñ ſit liba elemoſina alicuiꝫ ecclie vel laicum feodum talis, fiat deceſo bre vtrum ſit libera elemoſina talis ecclie vel alterius. C. In caſu quo libera elemoſina vnius ecclie tꝫſfertꝫ in poſſeſſionē alius ecclie; ⁊ quocienſcūqꝫ deceſo eueñit in Cancellaria qđ in vno caſu repitꝫ bre ⁊ in cōmuni caſu cadente ſub eodem iure ⁊ ſimili indigente remedio, concordēt clici de Cancellaria in bꝫ faciendo, vel atterminent querentes in ꝑxio parlamento ſcribant caſus in quibꝫ concordare nō poſſunt ⁊ referant ad ꝑximū ꝑleamentū ⁊ de conſenſu iur ꝑitoꝝ fiat bre ne contingat deceſo qđ Cur diu deficiat querentibꝫ in iuſticia ꝑquirenda.

De noua
diſſeiſina
amplianda.

Quia nō eſt aliquod bre in Cancellariā p quod querentes habent ita feſtinum remediū ſicut p bre noue diſſie dñs Rex voluntatē habens qđ celeris fiat iuſticia et qđ dilaciones in ꝑfitis amputentꝫ vel abreuientꝫ concedit qđ bre noue diſſie locum heat in ꝑlibꝫ caſibꝫ qđ prius habuit ⁊ concedit qđ de eſtoueriis boſc ꝑficuo capiēdo in boſco de nucibꝫ ⁊ glande

XXIII. Executors from henceforth shall have a writ of account, [Writ of] and the same action and process by the same writ, as the deceased ^{account for} ^{executors.} had and might have had if he had lived.

XXIV. In cases in which a writ is granted in Chancery for the ^{Writes in con-} ^{simili casu.} act of any, the plaintiffs from henceforth shall not depart from the King's court without remedy, because the tenement is transferred from one to another, and in the register of the Chancery there is no special writ found in this case; as of a house, wall, market, the writ is granted against him who set it up; and if the house, wall, and such like be aliened to another, the writ is denied; but from henceforth, whereas in one case a writ is granted, in like case requiring like remedy, the writ shall be made as before: *Quaestus est nobis A. quod B. injuste, &c., levavit domum, mercatum, & alia quae sunt ad nocumentum, &c.* And if such things set up be aliened to another person, henceforth it shall be made thus:—*Quaestus est nobis A. quod B. et C. leaverunt, &c.* In like manner, as a parson of a church may recover common of pasture by writ of *novel disseisin*, likewise from henceforth his successor shall recover by writ of *quod permittat* against the disseisor or his heir, though a like writ were not ^{Quod permittat} ^{by successor of} ^{a parson.} granted out of the Chancery before. And in like manner, as a writ of *utrum* is granted whether any tenement be the free alms of any ^{Juris utrum} ^{by one church} ^{against an-} ^{other.} church, or the lay fee of such a man, from henceforth a writ shall be made whether it be the free alms of such church, or of another, in case where the free alms of one church are transferred to the possession of another church. And whensoever from henceforth it shall happen in the Chancery, that in one case a writ is found, and in like case falling under the same law, and requiring like remedy [is found none]¹ the clerks of the Chancery shall agree in making a writ, or shall attorn the plaintiffs until the next parliament, and they shall write the cases in which they cannot agree, and refer them to the next parliament and by consent of men learned in the law, a writ shall be made, lest it happen hereafter that the court should long time fail to minister justice to complainants.

XXV. Forasmuch as there is no writ in the Chancery whereby plain- ^{Of enlarging} ^{Novel disseisin.} tiffs can have so speedy remedy, as by a writ of *novel disseisin*; the lord the King, willing that justice may be speedily done, and delays in moving pleas taken away or shortened, grants that a writ of *novel disseisin* hold place in more cases than it has done heretofore; and grants, that for estovers of wood, profit to be taken in a wood by gathering

¹ The words *Non reperitur* are inserted in old printed copies.

et aliis fructibus colligendis de corredio liberacione bladi aut aliorum
 victualium aut necessario in loco eto annuatim recipiend
 tolneto, tronagio, passagio, pontagio et hiis similibus in etis locis
 capiend. Custodes parcorum boscorum forestarum chacearum warennarum
 portarum et aliis balliuis et officiis in feodo, iaceat de celo assisa
 noue dissie et in omnibus superdictis modo consueto, fiat breue de libro
 ten. Et sicut etiam prius iacuit et locum habuit in communia
 pasture ita de celo locum heat in communia turbarie piscarie et
 aliis communis et hiis similibus quas quis habet pertinentes ad
 liberum ten. vel etiam sine ten. per spale factum adminus ad
 terminum vite. In casu etiam quando quis tenens tenementum
 ad terminum annorum vel in custodia illud alienat in feodum et per
 illam alienacionem transfert liberum ten. in feoffatum, fiat remedium
 per breue noue dissie et heat per disseisitoribus tam ille qui feoffat
 quam feoffatus, ita quod viuente altero eorum locum heat breue
 predictum. Et si per mortem personarum cesset remedium per predictum breue,
 fiat remedium per breue de ingressu. Et quomuis superius fiat mencio
 de aliquibus casibus de quibus locum non habuit prius breue noue
 dissie, non propter hoc credat aliquis illud breue non competere ubi
 prius competebat. Et licet dubitauerunt quidam vtrum in casu
 quo quis pascit alterius sepale fieri possit remedium per predictum
 breue, teneatur per certo quod in casu illo per predictum breue bonum et etum
 est remedium. Et caueant de celo illi qui notati sunt disseisi-
 tores quod non proponat falsas excepciones per quas capcio assise
 differatur, dicendo quod alias assisa transiuit in easdem partes
 de eodem tenemento, vel dicendo et menciendo quod breue de alciori
 natura pendet in easdem partes de eodem tenemento et super
 hiis consimilibus vocet rotulos uel recordum ad Warantum ut per
 illam vocacionem asportare possint vesturam leuare redditus et
 alia proficua ad magnam detrimentum querentis quia licet prius
 illam penam non huiusmodi falsas excepciones mendaciter
 proposuit, nisi tantum quod post mendacium suum conuictum possum
 fuit ad capcionem assise dominus Rex cui odiose sunt huiusmodi false
 excepciones, statuit quod si quis disseisitor notatus personaliter proponat
 illam excepcionem ad diem sibi datum si defecerit de Waranto
 quod vocauit heatur per disseisitorem absque recognicione assise et

of nuts, acorns, and other fruits, for a corody, delivery of corn or other victuals or necessities to be received yearly in a place certain, toll, tronage, passage, pontage, and such like, to be taken in places certain, keeping of parks, woods, forests, chases, warrens, gates, and other bailiwicks and offices in fee, from henceforth an assise of *novel disseisin* lie; and in all cases aforesaid, according to the accustomed manner, the writ *de libero tenemento* be made; and as formerly it lay and held place in common of pasture, so from henceforth it hold place in common of turbary, fishery, and such like commons, which any man has appendant to a freehold, or without freehold by special deed, at the least for term of life. In case also when any man holding a tenement for term of years, or in custody, alien it in fee, and by such alienation transfers the freehold to the feoffee, that the remedy be by a writ of *novel disseisin*, and as well the feoffor as the feoffee be held for disseisors, so that during the life of either of them the said writ hold place; and if by the death of the parties, remedy by that writ cease, then let remedy be given by a writ of entry. And albeit that mention is made above of some cases wherein a writ of *novel disseisin* held no place before, let no man think therefore that this writ lies not now where it lay before; and though some have doubted whether a remedy should be had by this writ in case where one grazes the several [pasture] of another, let it be held for certain, that there is a good and a sure remedy in that case by the said writ. And let those who are named disseisors beware from henceforth that they allege not false exceptions, whereby the taking of the assise may be deferred, saying, that at another time an assise of the same tenement passed between the same parties, or saying and falsely, that a writ of a higher nature is pending between the same parties for the same tenement, and upon these and like matters do vouch rolls or record to warranty, that by the same vouching they may carry away the crops, receive the rents and other profits, to the great damage of the plaintiff. And whereas formerly no other penalty was limited against him who falsely alleged such untrue exceptions, but only that, after his falsehood proved, the assise proceeded to be taken; the lord the King to whom such false exceptions are odious, has ordained, that if any, being named disseisor, personally allege that exception at the day to him given, if he fail of the warranty that he has vouched, he be adjudged for a disseisor without recognition of the assise, and restore his damages before

Remedy on alienation by tenant for years or in ward.

Penalty for failing in an exception pleaded by defendant.

restituat dāpna prius inquisita vel post inquirendū duplo, et nichilomin⁹ p falsitate sua puniat⁹ p p'sonā vni⁹ anni. Et si illa exceptio pponat⁹ p balliū nō pp̃ hoc differat⁹ capcio assie et iudiciū sup restitucōne teñ et dampnoꝝ, ita tamen qđ si dñs illius bāti qui absens fuit postmodū veniat coram Justicē qui ass'm ceperunt et offerat verificare p recordū vel rotulos qđ assisa alias t'nsiuit de eod' teñ inl' easdem ptes vel qđ querens alias se retraxit de breui cōsimili vel placitum pendeat p b're de alciori natura, fiat ei b're de faciendo venire sup hoc recordū et cū illud hñit et videant Justicē qđ record ita ei missum valeret ante iudiciū qđ p illud excluderet⁹ querens ab acōne sua, statim faciant Justicē scire parti qui prius recupauit qđ sit ad etum diem ad quē reheat defendens seis'm suam et dampna si qua prius soluit p p'mū iudiciū simul cum dampnis que habuit post p'mū iudiciū redditū que ei restituatur in duplo sicut p'dc'm est. Et nichilomin⁹ puniat⁹ ille qui primo recupauit p p'sonā scđm discrecōm Justicē. Eodem modo si defendens cont'a quē t'nsiuit assisa in sua absentia ostendat cartas vel quietas clamancias sup quāꝝ confectione nō fñūt Juratores examinati nec examinari potñūt p eo qđ de eis nō fiebat mencio in placitando et pbabiliꝝ ignorare possunt confectores hui⁹modi scriptoꝝ Justicē visis scriptis illis faciat scire parti qui recupauit qđ ad etum diē et venire fac Juratoꝝ eiusdē assie. Et si p veredc'm Jur' vt forte p irrotulamentū scripta illa verificauit, puniat⁹ ille qui ass'm impet'uit cont'a fem suū p penam sup'dc'am. C. Nec capiat decepto vic a disseisito bouē set a disseisitore tantū. Et si plures sūt disseisitores in vno breui noīati nichilomin⁹ de vno boue sit contentus nec exigat bouem nisi de p'cio q'inq, solidos et q'tuor denarios vel p'ciū.

In breuibz de redissina adiudicent' decepto dampna in duplo et sint redisseisitores decepto irreplegiabiles p cōmune b're. Et sicut in statuto Merton' puisum fuit illud breue de hiis qui disseisiti fuerint postq' recupaūint p ass'm noue dissie mortis añcessoꝝ aut p alias Jur' ul'ius decepto heat illud breue locum illis qui recupaūūt p defaultam reddicōm aut alio modo sine recognicōne assisaꝝ aut Jurataꝝ.

De redissei-
sina.

inquired of, or to be inquired of, two-fold, and nevertheless be punished by a year's imprisonment for his falsehood. And if that exception be alleged by a bailiff, that the taking of the assise be not delayed therefor, nor judgment upon the restitution of the tenement, and damages; yet nevertheless, that if the lord of the said bailiff who was absent, come afterwards before the justices who took the assise, and offer to prove by record or rolls, that at another time an assise passed between the same parties of the same tenement, or that the plaintiff at another time withdrew his suit in a like writ, or that a plea is pending by a writ of a higher nature, let a writ of *venire facias* be granted to him upon this record; and when he has the same, and the justices see, that the record so sent to him would have availed before the judgment, so that the plaintiff by it should have been barred of his action, the justices forthwith cause the party who first recovered, to be warned that he be at a certain day, at which the defendant may have again his seisin and damages, if he paid any before by the first judgment, together with the damages which he sustained after the first judgment given, which shall be restored him twofold, as aforesaid; and nevertheless that he who first recovered be punished by imprisonment according to the discretion of the justices. In the same manner if the defendant, against whom the assise passed in his absence, show any charters or quit claims, upon the making of which the jurors were not examined, nor could be examined, because there was no mention made of them in pleading, and by probability they might be ignorant of the making of such writings, that the justices, upon the sight of those writings, cause the party that recovered, to be warned that he appear at a certain day, and cause the jurors of the same assise to come; and if he verify those writings by the verdict of the jurors, or perchance by enrolment, that he who purchased the assise contrary to his own deed, be punished by the penalty aforesaid. And the sheriff from henceforth shall not take an ox from the disseisee, but from the disseisor only; and if there be many disseisors named in one writ, yet shall he be contented with one ox; nor shall receive any ox save of 5s. 4d. price, or the value.

In what case a certificate of assise lies.

Proceedings on deeds not pleaded by reason of defendant's absence.

XXVI. In writs of *redisseisin*, from henceforth double damages shall be awarded, and the *redisseisors* shall not be repleviable hereafter by the common writ. And as in the statute of Merton the same writ was provided for those who were disseised after they had recovered by assise of *novel disseisin*, *mortd'ancestor*, or other juries, so from henceforth the same writ shall further hold place for those who have recovered by default, reddition, or otherwise, without recognition of assises or juries.

Of *redisseisin*.

De allocacione **Postq^a** aliquis posuerit se in inqⁱsiçõm ad p^rim diem
essonii post allocet^r ei essoniũ set ad alios dies sequentes p^r essoñ nō
inquisi- differat^r capcio inquisicōnis siue prius habuit essoñ siue nō.
cionem. Nec admittat^r essoñ post diem datum prece parciũ in casu
quo partes cōsenciunt venire sine essoñ.

C. Cvm p^r statutũ Gloucest^r statuat^r qđ postq^a tenentes
semel comparuerint nō allocetur eis essoñ in breuibz assisaz,
eodem modo decefo obſuet^r de petentibz.

De transgres- Breue de transgressionem ad audiend^r & l^rminand^r decefo nō
sione. concedat^r coram aliquibus Justiciariis exceptis Justicⁱ de vtroq^q
Banco & Justicⁱ Itinerantⁱ nisi p^r enormi t^ransg^ressione vbi necesse
est festinũ appoſſe remediũ, dñs Rex de speciali g^ra hoc dufit
concedend^r. Nec eciam concedat^r decefo b^re ad audiend^r &
l^rminand^r appella coram Justiciariis assignⁱ nisi in speciali casu
& certa causa dñs Rex hoc p^rcepit, set ne hui⁹modi appellati
vel indictati diu detineant^r in p^rsona h^rant b^re de odio &
atya sicut in magna Carta & aliis statutis d^rcm est.

De assigna- Assignent^r decefo duo Justicⁱ iurati coram quibz & nō aliis
cione Justi- capiant^r assie noue disſie mortis aũcessor^r & attincte & associant
ciariorum in sibi duos vt vnũ de discreçoribz militibz Coñ in quem refint
Comitatibus. & capiant assisas p^rdcas & attinctas ad plus ter p^r annũ vidz
semel in^r quindenam s^ci Johis Baptⁱ & gulam Aug⁹ti et ifum
in^r festum Exaltacionis s^ce crucis & octabis s^ci Miçhis et l^rcio
in^r festum Epiphie & festũ Pu^r beate Marie et in quolibet
Coñ ad quālibet capçom anteq^a recedant statuāt diem de
reditu suo ita qđ oñes de Coñ scire possint eo^r aduentum et
de l^rmino in l^rminũ adiornent assis si p^r vocaçom Waranti p^r
essoñ p^r defcũ recognitor^r, si ad vnũ diē capcio eo^r differatur.
Et si aliqua de causa viderint qđ vtilis sit qđ assisa mortis
antecessoris p^r essoñ vel vocaçom Waranti respectuate
adiornent^r in Banco liceat eis hoc facē. Et tũc mittant Justicⁱ
de Banco recordum cū b^ri originali. Et cum loquela pueniat^r
ad capçom assie remittat^r loquela cū b^ri originali p^r Justicⁱ
de Banco ad priores Justicⁱ coram quibz capiat^r assis^a, set
decefo dent Justicⁱ de Banco in hui⁹modi assis adminus quatuor
dies p^r annũ,

XXVII. After anyone shall have put himself upon an inquest, an essoin shall be allowed him at the next day; but at the other days following, the taking of the inquest shall not be delayed by essoin, whether he were essoined before, or not; nor shall any essoin be allowed after a day given *prece partium*, in case where the parties consent to come without essoin.

Allowance of
essoin after
inquest.

XXVIII. Whereas by the statute of Gloucester¹ it is provided, that after the tenants shall have once appeared, no essoin be allowed them in writs of assises; in like manner it shall be from henceforth observed of demandants.

No essoin for
demandant.

XXIX. A writ of trespass, *ad audiendum & terminandum*, from henceforth shall not be granted before any justices, except justices of either Bench, and justices in eyre, unless it be for a heinous trespass, where it is necessary to provide speedy remedy, and the lord the King of his special grace has thought it good to be granted. And from henceforth a writ to hear and determine appeals before justices assigned shall not be granted, except in a special case and for a cause certain the lord the King shall have commanded it. But lest the parties appealed or indicted be kept long in prison, they shall have a writ *de odio & atia*, as it is declared in Magna Charta and other statutes.

Of trespass.

XXX. From henceforth two Justices sworn shall be assigned, before whom, and not others, assises of *novel disseisin*, *mortd'ancestor*, and *attaint* shall be taken, and they shall associate with them one or two of the most discreet knights of the county into which they shall come; and they shall take the aforesaid assises and attainments, at the most, thrice in the year; that is to say, once between the quinzaine of Saint John the Baptist and the gule of August; and again, between the feast of the Exaltation of the Holy Cross, and the utas of saint Michael; and the third time, between the feast of the Epiphany and the feast of the Purification of St. Mary; and in every county, at every taking of assises, before their departure, they shall appoint the day of their return, so that every one of the county may know of their coming, and shall adjourn the assises from term to term, if the taking of them be deferred at any day by vouching to warranty, by essoin, or by default of recognitors. And if for any cause they see that it be profitable that assises of *mortd'ancestor*, being respited by essoin or vouching to warranty, ought to be adjourned into the Bench, it shall be lawful for them to do it. And then they shall send the record with the original writ to the justices of the Bench; and when the plea is come to the taking of the assise, the justices of the Bench shall remit the plea with the original writ to the former justices before whom the assise shall be taken. But from henceforth the justices of the Bench in such

Assignment of
Justices in the
counties.

Adjournment
of Assises.

¹ Properly Westminster I. (see c. 43).

Coram ꝑfatis Justiċ assign vt parcatꝝ laboribꝫ & expensꝫ atꝑminetꝝ inquisiċões capiende de transgressionibꝫ placitatis coram Justiċ de vtroqꝫ Banco nisi ita enormis sit tꝫngressio qđ magna indigeat examinacione, atꝑminetꝝ eciam corꝫ eis inquisiciones de aliis placitis placitatis in vtroqꝫ Banco in quibꝫ facilis est examinacio vt quando deditꝝ ingressus vel seisina alicuiꝝ vel in casu cū de vno articulo sit inquirend. Set inquisicio de grossis placitis & pluribꝫ articulis que magna indigent examinacione capiantꝝ coram Justiċ de Bancis nisi ambe partes petant qđ inquisicio capiatꝝ coram aliquibꝫ de societate cum in partes illas vefint quod de celo nō fiat nisi ꝑ duos Justiċ vel vnū cū aliquo milite de Coꝫ in quē ptes consenciūt nec atꝑminetꝝ huiꝝmodi inquisiċões coram aliquibꝫ nisi statuatꝝ etꝫus dies & locus in Coꝫ in ꝑsencia parciū & dies & locus iserantꝝ ī bꝝi de Judiċo ꝑ hec verba. Precipimꝝ tibi qđ veniꝝ fac coram Justiċ apud Westm in octabis sꝫi Michis nisi talis & talis tali die & loco ad ptes illas venerint xij &c. Et cū huiꝝmodi inquisiċões capte fuerint retornetꝝ in Bancis & ibi fiat iudiciū & inirrotulentꝝ. Et si omissa forma predicta alique inquisiċōes capiantꝝ ꝑ nullis habeantꝝ excepto qđ assisa vltime ꝑsentacionis & inquisiċões sup quare impedit atterminetꝝ in ꝑprio Coꝫ coram vno Justiciariꝝ de Banco & vno milite ad etꝫos tamen diem & locum in Banco statutos siue defendens cōsenciat vel nō & ibi statim reddatur iudiciū. Heant de celo omes Justiċ de Bancis & Itifibꝫ chicos irrotulantes omnia placita coram eis placitata sicut antiquitꝝ hꝝe consuevūt.

Ne Justiċ
compellant
Juratores.

Item ordinatum est qđ Justiċ ad assisas capientꝝ assignati nō compellant Juratores dꝝe precise si sit disseisitꝝ vel nō dūmꝝ voluerint diċe veritatem fꝫi & ꝑefe auxilium Justiċ, set si sponte velint diċe qđ disseis est vel nō admittatꝝ eoꝝ dꝫm sꝫ suo ꝑiċlo. Et de celo nō ponant Justiċ in assisis aut Juratis aliquos Juratores nisi eos qui ad hoc ꝑꝫmo fuerint sūmoniti.

De excep-
cionibus
propositis non
allocatis.

Cum aliquis implacitatꝝ coram aliquibꝫ Justiċ ꝑponat excepċōm & petat qđ Justiciariꝝ eam allocent quam si allocare noluerint si ille qui excepċōm ꝑponit scribat illam excepċōm

assises shall give four days at the least in the year. Inquisitions to be taken of trespasses pleaded before the justices of either Bench shall be ^{Inquisitions of Trespass to be} ~~attetermined~~ ^{attetermined before} before the said justices assigned, to spare labour and expense,¹

except the trespass be so heinous that it shall require great examination; inquisitions also of other pleas pleaded in either Bench, shall be attetermined before them, in which the examination is easy, as when the entry or seisin of any is denied, or in case when one article is to be inquired of; but inquisition of great pleas and many articles, which require great examination, shall be taken before the justices of the Benches, unless both parties desire that the inquisition be taken before some of the associates when they shall come into those parts; so that from henceforth it shall not be done but by two justices, or one, with some knight of the county, upon whom the parties agree; and such inquisitions shall not be attetermined before any, unless a day and a place certain be appointed in the county, in presence of the parties, and the day and place inserted in a writ of judgment in these words:—*Praecipimus tibi quod venire facias coram justiciariis apud Westmonasterium in octabis Sancti Michaelis, nisi talis & talis tali die & loco ad partes illas venerint, duodecim, &c.* And when such inquests be taken, they shall be returned into the Benches, and there shall judgment be given, and they shall be inrolled. And if any inquisitions be taken otherwise than after this form, they shall be of no effect, except that an assise of *darrein presentment* and inquisitions of *quare impedit* shall be attetermined in their own county before one justice of the Bench and one knight, at a day and place certain in the Bench assigned, whether the defendant consent or not, and there the judgment shall be given immediately. All justices of the Benches and in eyres from henceforth shall have clerks to inroll all pleas pleaded before them, as in old times they were wont to have.

Writ of Nisi Prius.

And also it is ordained that the justices assigned to take assises shall not compel the jurors to say precisely whether it be disseisin or not, provided that they will tell the truth of the fact, and require aid of the justices; but if they will freely say that it is disseisin or not, their verdict shall be admitted at their own peril. And from henceforth the justices shall not put in assises or juries any other jurors than those who were summoned to the same at the first.

Assises of darrein presentment and quare impedit to be attetermined in their counties

And also it is ordained that the justices assigned to take assises shall not compel the jurors to say precisely whether it be disseisin or not, provided that they will tell the truth of the fact, and require aid of the justices; but if they will freely say that it is disseisin or not, their verdict shall be admitted at their own peril. And from henceforth the justices shall not put in assises or juries any other jurors than those who were summoned to the same at the first.

Justices shall not compel jurors.

XXXI. When one that is impleaded before any of the justices alleges an exception, and prays that the justices will allow it, which if they will not allow, if he who alleged the exception write the said exception,

As to exceptions alleged not allowed.

¹ See writ (Plea Roll, 5 Ed. II., m. 24, art. 109) directing enforcement of this chapter as to inquisitions of Trespasses, Cos. Cork, Limerick and Tipperary.

et petat quod Justiciarius apponat sigillum suum in testimonium, Justiciarius sigillum suum apponat et si unus appone noluerit apponat alius de societate. Et si forte ad querimoniam de feodo Justiciarius venierit faciat dominus Rex recordari coram eo et illa exceptio non inueniatur in rotulo et querens ostendat exceptiorem scriptam cum sigillo Justiciarii appenso; mandetur Justiciario quod sit ad certum diem ad cognoscendum sigillum suum vel deducendum. Et si Justiciarius sigillum suum deducere non possit procedat ad iudicium secundum illam exceptiorem prout admittenda esset ut cassanda.

De Religiosis

Cum religiosi et alie persone ecclesiastice implacitent aliquem et implacitatus fecerit defaultam ob quam tenementum amittere debeat quia Justiciarius huic timuerunt quod si implacitatus fecerit defaultam per collusionem ut cum petentes occasione statuti per titulum doni aut alterius alienacionis seisinam de terra consequi non possent per illam defaultam consequerentur et sic fieri fraus statuto; ordinatum est per dominum Regem et concessum quod in hoc casu postquam defaulta facta fuerit inquiratur per priorem utrum petens habeat ius in sua petitione aut non. Et si comprobatum fuerit quod prius petens ius habuerit procedat ad iudicium per petentem et recuperet seisinam suam, et si ius non habuerit incurrat terram proximo domino feodi si illud petat infra annum a tempore inquisitionis capte. Et si infra annum non petat; superiori domino incurrat si petat infra dimidium post illum annum. Et sic habeat quilibet dominus post primum annum spacium dimidii anni ad petendum successionem quousque perveniat ad Regem cui ad ultimum per defectu aliorum dominorum tenementum incurrat. Et ad calumpniandum Juratores inquisitionis admittantur quicumque capitales domini feodorum et similes per Regem qui calumpniare voluerit. Et remaneat terra postquam iudicium clarum fuerit in manu domini Regis quousque terram per petentem vel per aliquem capitalem dominum dissonet et offeratur vicem ad respondendum ad scriptum.

De hiis qui
erigunt cruce
in tenementis
suis.

Quia multi tenentes erigunt cruce in terra suis aut erigunt permittunt in iudicium dominorum suorum ut tenentes per privilegia templariorum et hospitaliariorum tueri se possent contra capitales dominos feodorum; statutum est quod huiusmodi terra capitalibus dominis aut Regi incurrant eodem modo quo statuitur alibi de terra alienatis ad manum mortuam.

and require that the justice affix his seal in testimony, the justice shall affix his seal; and if one will not, another of his fellows shall affix it. And if the lord the King, upon complaint of what the justices have done, cause the record to come before him, and that exception be not found in the roll, and the plaintiff shew the exception written, with the seal of a justice affixed, the justice shall be commanded to appear at a certain day, to confess or deny his seal; and if the justice cannot deny his seal, they shall proceed to judgment according to the said exception, as it ought to be allowed or disallowed.

XXXII. When men of religion and other ecclesiastical persons implead anyone and the party impleaded shall have made default, whereby he ought to lose the tenement, forasmuch as the justices have hitherto feared that if the party impleaded shall have made default by collusion, that where the demandants, by occasion of the statute, could not obtain seisin of the tenement by title of gift, or other alienation, he should obtain it by reason of the default, and so fraud would be done by statute; it is ordained by the lord the King, and granted, that in this case, after default shall have been made, it be inquired by the country, whether the demandant have right in his petition, or not; and if it be found that the said demandant shall have had right, that it pass to judgment for the demandant, and he recover his seisin; and if he have not right, that the tenement accue to the next lord of the fee, if he demand it within a year from the time of the inquest taken; and if he do not demand it within the year, it accue to the next lord above, if he demand it within half a year after that year. And so every lord after the next lord may have the space of half a year to demand it successively, until it come to the King, to whom at length, through default of other lords, the tenement shall accue; and to challenge the jurors of the inquest, that each of the chief lords of the fees be admitted, and likewise he who wills to challenge for the King; and after judgment shall be clear, the land remain in the King's hand, until the tenement be deraigned by the demandant, or some other chief lord, and the sheriff be charged to answer at the Exchequer.

As to Religious persons.

Challenge of the jurors.

XXXIII. Forasmuch as many tenants set up, or permit to be set up, crosses in their tenements, in prejudice of their lords, in order that the tenants may defend themselves against the chief lords of the fees, by the privileges of Templars and Hospitallers; it is ordained, that such tenements be forfeited to the chief lords, or to the King, in the same manner as is provided elsewhere as to tenements aliened in mortmain.

Of those who set up crosses in their tenements.

De mulieribus
et puellis
raptis.

Parueu est q̄ si home rauist femme espouse damoysele ou autre femme desoremes p la ou ele ne se est assentue ne auauant ne apres, eit iugement de vie & de membre. Et ensement par la ou home rauist femme dame espouse damoysele ou autre femme a force; tut seit q̄ ele se assente apres, eit tiel iugement come deuaunt est dit si il seit ataint a la suite le Rey & la eyt le Rey sa suite.

De mulieribus
abductis.

De mulieribz abductis cum bonis viri heat Rex sectam de bonis sic asportatis. Et vxor si sponte reliquerit virum suum & abierit & moret^r cum adultero suo amittat imppetuum actionem petendi dotem suam que ei compe^{re} posset de teñ p̄dci viri sui si sup hoc conuincat^r, nisi vir suus sponte & absq coñcione ec̄astica eā reconciliet & secum coñitare pmittat, in quo casu restituatur ei actio.

De monialibus
abductis.

Qui monialem a domo sua abducatur, licet monialis consenciat puniat^r p p̄sonā trium annoz & satisfaciatur domui a qua abducta fuit competen^r & nichilomin^r redimat^r ad voluntatem Regis.

De pueris siue
masculis.

De pueris siue masculis siue femell quoz maritagiū ad aliquē ptineat raptis & abductis & ille qui rapuit nō habens ius in maritagio, licet post restituat puerum nō maritatum vel de maritagio satisfecit, puniat^r tamen p tⁿagressione p prisonam duoz annoz. Et si nō restituit vel heredem post annos nobiles maritaui^t & de maritagio satisfecit nō po^{rit}, abiuret regnum vel habeat ppetuam p̄sonam. Et sup hoc habeat querens tale breue. Si A. fecit te secu^r &c pone p vad &c B. qd sit corā Justic̄ nris tali die ostens quare talem heredem infra etatem existentē cui^r maritagiū ad ipm ptinet tali loco inuentum rapuit & abduxit cont^a voluntatem ipius A. & cont^a pacem &c. Et si heres sit in eodem Coñ tūc addat^r ista clausula. Et diligenter inquiras vbi ille heres est in Balliua tua & ipm vbicūq fuerit inuent^r capias et saluo & secure custodias ita qd eum heat coram p̄fatis Justic̄ nris ad p̄fatū lminum ad reddend cui p̄dcoz A. vel B reddi debeat. C. Et fiat secta versus partem de q^a quer^r quousq per distictionē venit si heat p quod distringi po^{rit}

XXXIV. It is provided, that if a man from henceforth do ravish a ^{Rape of} married woman, a maid, or other woman, where she did not consent, ^{women and} either before or after, he have judgment of life and of limb; and likewise where a man ravishes a woman, married lady, maid, or other woman, with force, although she consent after, that he have such judgment as beforesaid, if he be attainted at the King's suit, and there the King have his suit.

Of women carried away with the goods of a husband, the King ^{Of women} shall have the suit for the goods so taken away. And if a wife will- ^{abducted} ingly leave her husband, and go away, and continue with her adulterer, she shall be barred for ever of action for demanding her dower, that she ought to have of her said husband's tenements, if she be convict thereupon, unless her husband willingly, and without coercion of the church, become reconciled to her, and suffer her to dwell with him; in which case action shall be restored to her.

He who carries away a nun from her house, although the nun ^{Taking away} consent, shall be punished by three years' imprisonment, and shall ^{nuns.} make suitable satisfaction to the house from whence she was taken, and nevertheless shall make fine at the King's will.

XXXV. Concerning children, male or female, taken and carried ^{Taking away} away, whose marriage belongs to any person, if the ravisher have no ^{children.} right in the marriage, though afterwards he restore the child unmarried, or else shall have made satisfaction for the marriage, he shall nevertheless be punished for his offence by two years' imprisonment. And if he shall not restore, or shall have married the heir after marriageable years, and be not able to satisfy for the marriage, he shall abjure the realm, or have perpetual imprisonment; and thereupon the plaintiff shall have such a writ:—*Si A. fecerit te securum, &c., Writ of* *pone per vadium, &c., B. quod sit coram justiciariis nostris tali* ^{ravishment of} *die ostensurus, quare talem haeredem infra aetatem existentem, cujus* ^{ward.} *maritagium ad ipsum pertinet, tali loco inventum rapuit & abduxit contra voluntatem ipsius A. & contra pacem, &c.* And if the heir ^{In the proper} be in the same county, then this clause must be thereto added:—*Et* ^{county.} *diligenter inquiras, ubi ille haeres est in balliva tua; & ipsum (ubicunque fuerit inventus) capias & salvo & secure custodias, ita quod eum habeas coram praefatis justiciariis nostris ad praefatum terminum, ad reddendum cui praedictorum A. vel B. reddi debeat.* And let suit be made against the party of whom complaint is made, until he shall

vel p cōtumaciam si nō sit iusticiabilis exigit^r & vtlaget^r. Si forte hui⁹modi heres ducat^r & transfera^r in alium Coñ tūc viē illius Coñ fiat bre sub hac forma. C. Questus est nobis A. qđ B. nup talem heredem infra etatem & in custodia sua existentē tali loco in Coñ tali rapuit & de Coñ illo ad talem locum in Coñ tuo abduxit cont^a voluntatem ip̄ius A. & pacem nram. Et ideo tibi ꝑcipim⁹ qđ ꝑdcm heredē vbicūq; eum in Balliua tua inueniri pōis capias & saluo & secure eum custodias ita qđ eū hēas corā Justiē nris tali die & loco quē diem idem A. habet versus ꝑdcm B. ad reddend⁹ cui de iure reddi debeat. Et si heres anteq^a inueniri pōsit vel añq^a restituat^r querenti obierit nichilomin⁹ ꝑcedat placitum in⁹ eos quousq; ꝑmine^r cui restitui deberet si supstes fuisset nec excusabit^r aut allenabit^r ille qui iuste rapuit hui⁹modi heredem de pena sup^adca post mortē hered⁹ cui⁹ extitit male fidei possessor dum vixit. Et si querens obierit ante placitū ꝑminatū si ius ei competeat racione pprii feodi sui resūmoneat^r loquela ad sectam hered⁹ querentis & ꝑcedat placitum debito ordine, si verō p alium titulum dno¹ competat ei ius sicut titulo donacionis vendicionis aut alio hui⁹modi titulo; tūc resuū loquela ad sectā executor querentis & ꝑcedat placitū vt ꝑdcm est. Eodem modo si moriat^r pars defendens anteq^a placitum ꝑminet^r vel heres restituat^r, ꝑcedat placitum p resuū in⁹ querentem vel eius heredem seu executores & executores defendentis vel eius heredem si executores nō sufficiant quo ad satisfactōm de valore maritagii scđm quod in aliis statutis continetur, set nō quo ad penam prisone qua quis p alieno fco nō est puniendus. Eodem modo cum pendeat placitum in⁹ partes de custodia terre vel heredis vel vt⁹usq; p cōe bre quod incipit. Precipe tali qđ reddat ec fiat resuū in⁹ heredes & executores querentis. Et similiter heredes aut executores defendentis si mors alteram partem ꝑueniat ante placitum ꝑminatum. Et cum ꝑueniatur ad magnam districōm detur ꝑminus infra tres Comitatus teneant^r ad minus. In quoz

¹ This word does not occur in other MSS.

come in by distress, if he have whereby he may be distrained; or else for his contumacy, if he be not brought to justice, he shall be proclaimed and be outlawed. If perchance such heir be carried and transferred into another county, then a writ shall be made to the sheriff of that county in this form:—*Quæstus est nobis A. quod B. nuper talem hæredem infra ætatem & in custodia sua existentem tali loco in comitatu tali rapuit, & de comitatu illo ad talem locum in comitatu tuo abduxit contra voluntatem ipsius A. & pacem nostram. Et ideo tibi præcipimus, quod prædictum hæredem (ubicunque eum in ballivâ tua invenire poteris) capias, & salvo & secure eum custodias, ita quod eum habeas coram justiciariis nostris, tali die & loco quem diem idem A. habet versus prædictum B. ad reddendum cui de jure reddi debeat.* And if the heir die before he can be found, or before he can be restored to the plaintiff, nevertheless the plea shall proceed between them, until it be decided to whom he ought to have been restored if he had been living; neither shall he who unjustly ravished such an heir be excused or relieved of the punishment aforesaid after the death of the heir, whom he became possessed of by wrong while he lived. And if the plaintiff die before the plea be determined, if the right belonged to him by reason of his proper fee, the plea shall be resummoned at the suit of the heir of the plaintiff, and the plea shall proceed in due order; but if the right belong to him by another title, as by a title of gift, sale, or other such like title, then the plea shall be resummoned at the suit of the executors of the plaintiff, and the plea shall proceed as before-said.

Writ, if heir
carried into
another county

Death of heir
before suit
ended.

Death of
plaintiff.

In the same manner if the defendant die before the plea be tried, or the heir be restored, the plea shall proceed by resummons between the plaintiff, or his heir or executors, and the executors of the defendant, or his heir, if the executors be not sufficient to satisfy for the value of the marriage, according as it is contained in other statutes, but not as to the penalty of imprisonment, for none ought to be punished for the offence of another. In the same manner when a plea is pending between parties as to custody of land, or of an heir, or of both, by the common writ which begins *Præcipe tali, quod reddat, etc.*, resummons shall be made between the heirs and executors of the plaintiff, and likewise the heirs or executors of the defendant, if death prevent the other party before the plea is determined; and when it has passed to the great distress, a term shall be given, within which three county

Death of
defendant.

Resummons
in communi
custodia.

quolibet Comitatu fiat publica pclamacio qđ deforē veniat ad Bancū ad diem in bři contentū responsū querenti. Ad quem diem si nō vēnit & pclamacio fit semel scđo & p̄cio testificata fuerit, pcedatur ad iudiciū p querenti saluo iure defendentis si postmodū inde loqui voluerit. Eodem modo fiat in bři de t̄nsgressionē cum quis querit^r se eiectum fuisse de hui⁹modi custod.

De pro-
curantibus
placita per
maliciam.

Qvia dñi Cuř & alii qui Curias tenent & senescalli volentes grauare subditos suos cum nō hēant legalē viam eos grauandi pcurant alios mouere querelas vers⁹ eos & dare vad⁹ & offerre plegios vel impetr^o bria & ad sectas hui⁹modi querenciū compellunt eos sequi Corñ Hundř & Cuř quousq; finē feđint cū ip̄is p voluntate sua ; statutū est qđ hoc decepto nō fiat. Et si aliquis p hui⁹modi falsas querimonias fuit attachiatus replegiat districōm suā sic captam & poni faciat loquelam corā quibz si vič vel alius Balliuus vel dñs postq^a sic districtus formađit querimoniā aduocauerit districōm iustam fone hui⁹modi querimoniaz coram eis fcaz & replicet^r qđ hui⁹modi querimonie versus eos mouebant^r maliciose ad instanciam seu pcuračom vič vel alioz Balliuoz aut dnoz admittat^r illa replicačō. Et si sup hoc conuicti fuit versus dñm Regem redimant^r & nichilomin⁹ hui⁹modi sic grauatis dampna in triplo restituant.

Quod dis-
trictio fiat per
Balliuos
notos.

Qvia eciam Balliui ad quos ex officio ptinet districōnes fa^o grauare volentes subditos suos vt ab eis pecuniam extorqueant mittunt ignotos ad faciend disticōes ea intencione vt subditos grauare possent p hoc qđ sic districti nō hēntes noticiā psonaz nō pmittūt hui⁹modi districōnes sup eos fieri ; statutū est qđ nulla disticō fiat nisi p Balliuos Juř & notos. Et distingentes si alio modo feđint & de hoc cōuicti fūint si g^anati bře de t̄nsgressionē impet^uerint restituant grauatis dampna et vs⁹ Regem grauip⁹ puniant^r.

De hiis qui
debent poni
in assisis.

Qvia eciam vicecomites hui⁹modi¹ Bāli libtatum consuehūnt grauare subditos suos ponendo in assis Juř homines languidos

¹ The English Statute Roll reads "hund" here.

courts at the least may be held, in every of which open proclamation shall be made, that the deforcere come into the Bench at the day contained in the writ, to answer the plaintiff; at which day if he come not, and the proclamation be so returned once, twice, and thrice, the judgment shall pass for the plaintiff, saving the right of the defendant, if afterwards he wishes to plead thereof. In the same manner it shall be done in a writ of trespass, when anyone complains that he was ousted from such custodies. The like in ejectione custodie.

XXXVI. Forasmuch as lords of courts, and others who hold courts, and seneschals, intending to harass their tenants, where they have no lawful means of harassing them, procure others to move complaints against them, and to give gages and offer pledges, or to purchase writs, and at the suit of such plaintiffs compel them to follow the county, hundred, and courts, until they shall have made fine with them at their will; it is ordained, that it be not henceforth so done, and if any be attached upon such false complaints, that he replevy his distress so taken, and cause the plea to be brought [before the justices], before whom if the sheriff, or other bailiff, or lord, after that the party distrained shall have framed his plaint, will avow the distress lawful by reason of such complaints made before them, and it be replied that such complaints were moved maliciously against them by the solicitation or procurement of the sheriff, or other bailiffs, or lords, that replication shall be admitted; and if they be convict hereupon, that they make fine to the King, and nevertheless restore treble damages to the parties so injured. Of those who procure pleas through malice.

XXXVII. Forasmuch also as bailiffs, to whose office it belongs to make distresses, intending to harass those within their jurisdiction that they may exact money from them, send strangers to make distresses, to the intent that they might harass such, by reason that the parties so distrained, not knowing such persons, will not suffer such distresses to be made upon them; it is provided, that no distress be made, but by bailiffs sworn and known. And if those distraining shall do otherwise, and thereof be convict, if the parties injured will purchase a writ of trespass, they shall restore damages to the parties injured, and be heavily punished towards the King. That distress be made by bailiffs known.

XXXVIII. Forasmuch also as sheriffs, [hundreders], and bailiffs of liberties, have used to harass those within their jurisdiction by putting Persons who ought to be put in assises.

decrepitos ppetua vel temporali infirmitate languentes homines eciam tempore sūmoniçonis sue in p̄ria nō cōmorantes sūmonēdo eciam effrenatam multitudinē Juratoꝝ ita vt sic a quibz dā eos in pace dimittendo pecuniam extorqueant & sic fiunt assise & Juꝛ multociens p paupiores diuitibz p suo dando domi cōmorantibz; statutū est qđ de celo nō sūmoneantꝛ in vna assis^a plures q^a viginti quatuor senes ē videlicet vltra sexaginta & decem annos ppetuo languidi vt tempore sūmoniçois infirmi vel in patria nō cōmorantes nō ponantꝛ in Juratis vel in minoribz assis nec ecia ponantꝛ in assis aut Juꝛ licet in pp̄o Coꝛm capi debeant aliqui qui min⁹ teñ teneant q^a de valore viginti solidoz p annū. Et si hui⁹ modi assise & Jurate extra Comitatu capi debeant, nō ponatꝛ in eis aliquis qui minus tenementū habeat qā ad valenciam Quadraginta solidoz p annū illis exceptis qui testes sunt in Cartis vt aliis scriptis quoz p̄sencia posita¹ est dum tamen potentes sint ad laborandū. Nec debz istud statutū extendi ad magnas assisas in quibz optet aliquando posse milites in pat̄a nō residentes pp̄ paucitatē militum dum tamen teñ in Coꝛm hēant. Et si vicecomites vt subviē sui seu Balli libtatū cont^a istud statutū in aliquo articulo vefiunt & sup hoc cōuincantꝛ, restituant dampna grauatis et nichilomin⁹ sint in mīa Regis; et hēat Justicē ad assis^a capiendū assignati cū in Coꝛm vefiunt potestatem audiendi querimonias singuloꝝ cōquerenciū quo ad articulos in isto statuto contentos & iusticiam in forma p̄dca exhibend.

De vicecomi-
tibus male
retornantibus
breuia.

Quia Justicē ad quoz officiū spectat vniciqꝛ coram eis placitanti iusticiam exhibere frequencius impediuntꝛ quo min⁹ officiū suū debito modo exequi possunt p hoc qđ viē breuia originalia & iudicialia nō retornant p hoc ē qđ ad breuia Regis falsum retornant responsum puidit dñs Rex & ordinauit qđ illi qui timent maliciā viē liberent breuia sua originalia & iudicialia in pleno Coꝛm vt in retro Coꝛm vbi fit collectio denarioꝝ dñi Regis & capiatꝛ biletū de viē p̄sente

in assises and juries men diseased, decrepit, or having chronic or temporary sickness, also men who dwelt not in the country at the time of their summons, and also by summoning an unreasonable number of jurors, to extort money from some of them for letting them go in peace, and so the assises and juries pass many times by poor men, while the rich men abide at home by reason of their bribes ; it is ordained, that from henceforth in one assise no more be summoned than twenty-four : and that old men above threescore and ten years, men continually sick, or infirm at the time of the summons, or not dwelling in that country, be not put in juries or petit assises ; nor that any be put in assises or juries, though they ought to be taken in their own county, who hold a tenement of less value than twenty shillings yearly. And if such assises and juries ought to be taken out of the county, none be placed in them who have a tenement worth less than forty shillings yearly, except such as are witnesses in charters or other writings, whose presence is necessary, provided they are able to work. Nor ought this statute extend to great assises, in which at times it behoves knights not resident in the country to be placed, owing to the scarcity of knights, provided that they have tenements in the county. And if sheriffs, or their under-sheriffs, or bailiffs of liberties, offend in any point against this statute, and thereupon be convicted, that they restore damages to the parties injured, and they nevertheless be amerced to the King ; and that justices assigned to take assises, when they come into the county, have power to hear the complaints of all complainants as to the articles contained in this statute, and to minister justice in form aforesaid.

Exception as to
great assises.

XXXIX. Forasmuch as justices, to whose office it belongs to minister justice to each one suing before them, are many times hindered in due execution of their office, because sheriffs do not return writs original and judicial ; and also because they make false return to the King's writs ; the lord the King has provided and ordained, that those who fear the malice of sheriffs, deliver their writs original and judicial in the full county court, or in the reere county court, where the collection of the King's money is made ; and a bill be taken of the sheriff, being present,

Of sheriffs
making false
returns to
writs.

vñ subviç in quo biletto contineant^r noia parciũ & tenementoz
 que noian^r in bñi. Et ad requisicòm illius qui bñe liberauit
 apponat^r sigillũ viç vñ subviç in testimoñ & fiat mencio de die
 liberaçonis breuis. Et si vicecomites vñ subviç hui⁹modi
 biletto sigilla sua appofse nolñint, capiat^r testimoniũ militum
 & alioz fidedignoz qui pñentes fñint qui sigilla sua hui⁹modi
 biletto apponant. Et si viç bñia sibi liberata nō retornañt
 & sup hoc ad Justiç pueniat querimonia mandet^r per breue
 de Iudicio Justiç ad assis^{as} capiend^r assign^r qđ inquirant p
 eos qui pñentes fñint quando bñe viç liberatũ fuit si sciñnt
 de illa liberaçone & inquisicio retornet^r. Et si comptũ fñit
 p inquisicòm qđ bñe ei fuit libatũ adiudicent^r petenti vel
 querenti dampna habito respectu ad quantitātē & qualitātē
 actionis & ad piculum quod ei euenire posset p dilaçom quā
 paciebat^r. Multociens eciam capiunt placita difonem p hoc
 qđ viç respondet qđ pcepit Bañis alicui⁹ libertatis qui nichil
 fecunt & nōiat libtates que nūq^a returnũ bñiũ habuerunt pp^o
 quod ordinauit dñs Rex qđ Thesaurarius de sc^ocio liberet in
 rotulo omnes libtates in quibzcuq^q Comitabz que habent
 returnũ breuiũ. Et si viç respondet qđ returnũ fecit Balliuis
 alterius libtatis q^a alicui⁹ contente in pđco rotulo statim
 puniat^r viç tamq^a exheredator Regis & Corone sue. Et si
 forte respondet qđ retornauit Bañis alicui⁹ libtatis que
 veracit^r returnũ habet mandet^r viç qđ nō omittat pp^o
 pđcam libtatem quin exequat^r pceptũ dñi Regis, et
 qđ scire faciat Bañis quibz fecit returnũ qđ sint ad diem
 in bñi contentũ ad respondend^r q^{re} de pcepto dñi Regis
 executiōm nō fecunt. Et si ad diem veñint & se acq^oetent
 qđ returnũ nō fuit eis fcm, statim condampnet^r viç dño illius
 libtatis & sit^r parti lese p difonem in restituçom dampnoz. Et
 si Bañi ad diem nō venerint vel veñint & sup^oadco modo se nō
 acq^oetastint in quolibet bñi de iudicio q^adiu durat placitũ
 pñpiat^r viç qđ nō omittat pp^o libtatē &c. Multociens ecia
 falsum dant responsum quo ad illũ articulũ qđ de exitibz &c
 mandantes aliquando & mēcientes qđ nulli sunt exitus
 aliquando qđ parui sunt exitus cū de maioribz respondere

or undersheriff, in which bill the names of the parties and tenements named in the writ shall be contained : and that at the request of him who delivered the writ, the seal of the sheriff or undersheriff be put in testimony, and mention be made of the day of the delivery of the writ. And if the sheriffs or undersheriffs will not put their seals to such bill, the testimony of the knights and other credible persons who shall be present, who put their seals to such bill, be taken. And if the sheriff shall not have returned writs delivered to him, and complaint thereof come to the justices, that a writ of judgment go to the justices assigned to take assises, that they inquire by those who were present at the delivery of the writ to the sheriff, if they knew of that delivery, and an inquest be returned. And if it be found by the inquest, that the writ was delivered to him, that damages be awarded to the demandant or plaintiff ; having respect to the quantity and quality of the action, and to the peril that might have come to him by reason of the delay that he sustained. [And that by this means there be remedy, when the sheriff returns that the writ came so late, that he could not execute the King's commandment.]

Remedy for
non-return of
writs.

Offentimes also pleas are delayed by reason that the sheriff returns that he has commanded the bailiffs of some liberty who did nothing therein, and names liberties that never had the return of writs ; whereupon the lord the King has ordained, that the treasurer of the Exchequer deliver [to the justices] in a roll, all the liberties in all counties that have return of writs. And if the sheriff answer that he has made return to the bailiffs of another liberty than of any contained in the said roll, the sheriff be forthwith punished as a disheritor of the lord the King and his crown. And if perchance he answer that he has made return to the bailiffs of some liberty that indeed has return, the sheriff be commanded, that he omit not by reason of the aforesaid liberty, but execute the lord the King's precept ; and that he cause the bailiffs to whom he made return to know that they be ready at a day contained in the writ, to answer wherefore they did not execute the lord the King's precept ; and if they shall come at the day, and acquit themselves, that no return of the writ was made to them, the sheriff be forthwith condemned to render damages to the lord of that liberty, and likewise to the party injured by the delay. And if the bailiffs shall not come at the day, or shall come and not acquit themselves, in manner aforesaid, in every writ of judgment, so long as the plea depend, the sheriff be commanded that he omit not by reason of the liberty, &c.

Where a
liberty is
returned.

Many times also [sheriffs] make false return as touching this article, *sheriffs' false* *quod de exitibus*, &c., returning sometimes, and lying, that there are no *return of* *issues*.

This sentence which is not in the Red Book is from the English Statute Roll.

possint, aliquando nō facientes mencionē de exitibz, p^pl^r quod ordinatū est ⁊ cōcordatum qđ si querens petat auditum responsionis vič, concedatur ei. Et si offerat verificare qđ vič de maioribz exitibz respondere potuit, fiat ei b^re de Iudicio ad Justič ad assisas capiendas assign qđ inquirent in p^sencia vič si infesse volūit de quibz ⁊ quantis exitibz vič respondere potuit a die recepcionis b^ris vsq ad diem in breui contentū. Et cum inquisicio retornata fūit si de pleno prius non respondit ofet^r de supplusagio p extractas libatas ad sc^m ⁊ nichilomin⁹ grauiter afficiet^r p conclamento. Et sciat vič qđ redditus blada in grangia ⁊ omīa mobilia preter equitaturā indumenta ⁊ vtensilia dom⁹ continet^r sub nōie exituū. Et p^pcept^r d^{ns} Rex qđ vič p hui⁹modi falsis responsis semel ⁊ iterum si sit necesse castiget^r p Justič. Et si tertio deliquerint alius nō apponat manū q^a d^{ns} Rex. Multociēs eciam falsum dant responsum mandando qđ nō potūit psequi p^pceptū Regis p^pl^r resistenciam potestatis alicui⁹ magnatis, de quo caueant vicecōm decesso quia hui⁹modi responsio multū redundat in dedecus dⁿⁱ Reg⁹; ⁊ q^acito sub Balliui sui testificentur qđ inuenerūt hui⁹modi resistenciam, statim omībz omissis assūpto secū posse Cōm sui eat in p^pria psona ⁊ faciat executōm. Et si inueniat sub Ballios suos mendaces puniat eos p prisonam ita qđ alii p eo⁹ penam castiget^r. Et si inueniat eos veraces, castiget resistentes p p^psonam a qua nō deliberent^r sine speciali p^pcepto dⁿⁱ Regis. Et si forte cum vič vērit resistenciā inueñit etificet Curiam de nōibz resistenciū auxilianciū consencienciū p^pcienciū ⁊ fauto⁹ ⁊ p b^re de iudicio attachient^r hui⁹modi p corpora ad veniend ad Cu^r. Et si de hui⁹ resistencia cōuincant^r puniant^r scđm qđ d^{no} Regi placuit, nec intromittat se aliquis minister dⁿⁱ Reg⁹ de pena hui⁹modi infligenda q^a d^{ns} Rex hoc sibi spālil^r reseruat p eo qđ hui⁹modi resistentes censent^r pacis sue ⁊ regni sui pert^rbatores.

De iure
alienato per
virum.

Cum quis alienet ius vxoris sue, concordatum est qđ decesso secta mulieris aut eius heredis nō differat^r post obitū viri p mīnorē etatē heredis qui Warantizare debet set expectet emptor qui ignorare nō debuit qđ ius alienū emit vsq ad etatē Waranti sui de Warantia sua habenda.

issues, sometimes that the issues are small when they might return great, and sometimes not making mention of any issues; wherefore it is ordained and agreed, that if the plaintiff demand hearing of the sheriff's return, it be granted him; and if he offer to aver that the sheriff might have answered of greater issues, that he have a writ of judgment to the justices assigned to take assises, that they inquire in presence of the sheriff, if he wish to be there, of what and how great issues the sheriff might have answered from the day of the receipt of the writ unto the day contained in the writ. And when the inquest shall have been returned, if he have not before answered for the whole, that he be charged with the overplus by estreats delivered in the Exchequer, and nevertheless be heavily amerced for the concealment. And let the sheriff know that ^{What shall be accounted issues.} rents, corn in grange, and all movables, except harness, clothing, and household stuff, be contained under the title of *Issues*. And the lord the King commands, that sheriffs be punished by the justices once and again if need be, for such false returns; and if they offend a third time, none other than the lord the King shall apply his hand. They make also many times false answer, returning that they could not execute the King's precept on account of the resistance of some great ^{Resistance of execution of process.} man; whereof let the sheriffs beware from henceforth, for such answer redounds much to the dishonour of the lord the King; and as soon as his under-bailiffs testify that they shall have found such resistance, forthwith everything being laid aside, taking with him the *posse comitatus*, let him go in his own person and make execution; and if he find his under-bailiffs false, let him punish them by imprisonment, so that others by their punishment may be corrected; and if he find them true, ^{Punishment thereof.} he shall punish those who resist by imprisonment, from whence they shall not be delivered without the lord the King's special commandment. And if perchance the sheriff, when he shall have come, find resistance, he shall certify the court of the names of the resisters, aiders, consenters, commanders, and favourers, and by a writ of judgment such shall be attached by their bodies to come to the court; and if they be convicted of such resistance, they shall be punished at the King's pleasure. Neither shall any officer of the lord the King intermeddle in assigning such punishment, for the lord the King specially reserves it to himself, because those who so resist are reputed disturbers of his peace and realm.

XL. Where anyone aliens the right of his wife, it is agreed that ^{Of right aliened by a husband.} from henceforth the suit of the woman, or her heir, after the death of the husband, be not delayed by the nonage of the heir who ought to warrant, but let the purchaser, who ought not to have been ignorant that he bought another's right, wait to have his warranty until the full age of the warrantor.

**De tenementis
dati in
elemosinam
alienatis.** Statuit dñs Rex qđ si Abbates Priores Custodes hospitaliũ
 ⁊ aliaꝝ domoꝝ Religioꝝ fundataꝝ ab ipso vel a pgenitoribꝫ suis
 alienauerint decesso teñ domibꝫ ipis ab ipso vel a pgenitoribꝫ
 suis collata teñ illa in manũ dñi Regis capiant⁹ ⁊ ad
 voluntatē suam teneant⁹ ⁊ emptor amittat suũ recuperare tā
 de teñ qđ de pecunia quā pacauit. Si autē domus ille a
 Comitibꝫ Baronibꝫ vel aliis fundate fuerint de teñ sic
 alienatis heat ille a quo vel a cui⁹ antecessoribꝫ teñ sic
 alienatũ collatũ fuerit, hñe ad recuperandũ teñ in dñico quod
 tale est.

C. Precipe tali Abbati qđ iuste ⁊c reddat B. tale teñ quod
 eidem domui collatũ fuerit in liberam elemosinam p ðđcm
 B. vel antecessores suos et qđ ad ðđcm B. resti debet p
 alienacōm quā ðđcs Abbas fecit de ðđco teñ cont⁹ formā
 collacionis ðđce vt dicit. Eodem modo de teñ dato p cantaria
 sustentanda vñ luminari in aliqua ecclā vel Capella vel alia
 elemosina sustentanda si teñ sic datũ alienet⁹. Et si forte
 teñ sic datum p cantaria luminari potura paupũ vel alia
 elemosina facienda nō fuerit alienatum set subtracta fñit
 hui⁹modi elemosina p bienniũ competat accio donatori aut
 eius heredi ad petendũ teñ sic datum in dñico sicut statutũ
 est in statuto Gloucest⁹ de teñ dimissis ad faciendũ vel
 reddendũ quartam partem valoris tenementi vel maioris.

**De marescallis
et aliis
ministriis
domini Regis.** De Marescallis dñi Regis de feodo, Camerariis, Custodibꝫ
 hostioꝝ in Itifñe Justic⁹ ⁊ ſuientibꝫ virgam portantibꝫ coram
 Justic⁹ apud Westm̃ qui illud habent de feodo qui plus
 exigunt racione feodi sui quā exigē consueuerũ scđm qđ
 multi querunt⁹ p eos qui statum Cui⁹ a multo tempore
 viderunt ⁊ sciunt dñs Rex inquiri fecit quē statum ðđci
 ministri de feodo hñe qsueuerunt temporibꝫ retroactis. Et p
 inquisitiones statuit ⁊ pcepit qđ marescallus de feodo qui
 de nouo exigit palefridum de Comitibꝫ ⁊ Baronibꝫ ⁊ aliis p
 ptem Baronie tenentibꝫ palefridum quando homagiũ fecerunt
 ⁊ nichilomin⁹ ad miliciam eoꝝ alium palefridũ. Et de quibꝫdā
 de quibꝫ palefridũ hñe nō debuit, palefridũ de nouo exigit
 ordinauit qđ ðđcs marescallus de quolibet Comite ⁊ Barone

XLI. The lord the King has ordained, that if abbots, priors, wardens of hospitals and other religious houses founded by him or by his progenitors, from henceforth shall have aliened the tenements bestowed upon their houses by him or by his progenitors, those tenements be taken into the lord the King's hand, and held at his will, and the purchaser lose his recovery as well of the tenements, as of the money that he paid. And if the houses were founded by Earls, Barons, or other persons, that for the tenements so aliened, he by whom, or by whose ancestor, the tenement so aliened was bestowed, have a writ to recover the tenement in demesne, which is thus :—*Praecepto tali abbati, quod juste, etc., reddat B., tale tenementum quod eidem domui collatum fuerit in liberam elemosinam per praedictum B. vel antecessores suos, & quod ad praedictum B. reverti debet per alienationem quam praedictus abbas fecit de praedicto tenemento, contra formam collationis praedictae, ut dicit.* In like manner for a tenement given for the maintenance of a chantry, or of a light in any church or chapel, or other alms to be maintained, if the tenement so given be aliened. But if the tenement so given for a chantry, light, sustenance of poor people, or other alms to be done, shall not be aliened, but such alms be withdrawn by the space of two years, an action lie for the donor or his heir to demand the tenement so given in demesne, as is ordained in the statute of Gloucester for tenements demised, to do or to render the fourth part of the value of the tenement or more.

Of tenements given in alms being aliened.

Writ of *contra formam collationis*.

Lands for maintenance of a chantry, &c.

Writ of *cessavit* on withdrawal of alms.

XLII. Concerning the lord the King's marshals of fee, chamberlains, door keepers in the eyres of the justices, and serjeants bearing the verge before the justices at Westminster, who have the same office in fee, who exact more by reason of their fee than they were wont to exact, according as many complain by those who have seen and known the order of the court for a long time; the lord the King has caused enquiry to be made, what position the said officers of fee were wont to hold in time past, and by inquest has ordained and commanded, that a marshal of fee, who anew exacts a palfrey of Earls and Barons, and others holding by a part of a Barony, when they have done homage, and nevertheless another palfrey when they are made knights, and exacts a palfrey of some that ought not to give one; he has ordained that said marshal be content with one palfrey from every Earl and Baron, holding by

[Fees] of the King's marshals and other officers.

From Earls and Barons.

integram Baroniam tenente de vnico palefrido sit contentus vel de precio quale antiquit' de consuetudine poipe cōsueuit. Ita qđ si ad homagiū quod fecit palefridū vel precīū in forma pđcā cepit ad miliciam suam nichil capiat. Et si forte ad homagiū nichil cepit, ad miliciā capiat. De Ábbatibz & Prioribz integram Baroniam tenentibz cū homagiū vel fidelitatē fecint p Baroniis suis capiat palefridū vel pciū vt pđcū est. Hoc idem de Archiep̄is & Ep̄is obsuand est. De hiis autē qui partē Baronie tenent siue sint Religiosi siue seculares capiat scđm porcōm partis Baronie quā tenent. De Religiosis tenentibz in liberam elemosinam & nō p Baroniam vel ptem Baronie nichil de celo exigit marescallus & concessit dñs Rex qđ p hoc statutū nō pcludatur marescallus suus de feodo in plus petendo si in posterū ostendere possit qđ ius heat plus petendi. Camarii dñi Regis heat de celo de Archiep̄is Ep̄is Abbibz Prioribz & aliis psonis ecclasticis Comitibz Baronibz integram Baroniam tenentibz rōnabilem finem cum homagiū aut fidelitatē p Barōn fecūt. Et si ptē Baronie teneant capiant rōnabilē finē scđm porcōm ip̄os contingentē. Alii uero Ab̄es & Priores & Religiosi & seculares nō tenentes p Baroniam vel ptē Baronie nō distingant' ad finē faciend scđm qđ de tenentibz p Baroniam vel ptē Baronie dcm est, set sit Camarius de supiori indumento contentus vel de p̄cio indumenti qđ plus dcm est p Religiosis q̄a secularibz, quia honestius est qđ Religiosi faciant finē p supiori indumento q̄a exuant'.

De Conseruatoribus Priuilegiiorum.

Prohibeat' de celo hospitalariis & Templariis ne de celo trahant aliquē in placitū coram Conseruatoribz priuilegioz suoz de aliqua re cui' cognicio spectat ad forum Regiū, quod si fecint p̄mo restitutis dampnis parti grauate versus dñm Regē grauī puniant'. Prohibet ē dñs Rex Conseruatoribz priuilegioz eozdē ne de celo ad instanciam hospitalarioz aut Templarioz aut alioz priuilegiatoz concedant citaciones priusq̄a exprimat' sup qua re fieri debeat citacio. Et si viderunt hui' modi conseruatores qđ petat' citacio de aliqua re cui' cognicio ad forū spectat regiū, huiusmodi conseruatores

an entire Barony, or with the price of it, such as he was wont to have of old by custom; so that if at the homage he shall have taken a palfrey, or the price, in form aforesaid, he take nothing when he is made knight; and if he shall have taken nothing at the homage, he take it when he is made knight. Of Abbots and Priors holding an entire Barony, when they shall have done homage or fealty for their Baronies, he take one palfrey, or the price, as aforesaid; and that this also be observed as to Archbishops and Bishops. Of those who hold but a part of a Barony, whether they be religious or secular, he take according to the portion of the part of the Barony that they hold. Of men of religion holding in free alms and not by a Barony, nor part of a Barony, the marshal from henceforth shall demand nothing: and the lord the King has granted, that by this statute his marshal of fee be not barred from demanding more, if hereafter he can show that he has right to demand more. The lord the King's chamberlains from henceforth shall have of Archbishops, Bishops, Abbots, Priors, and other ecclesiastical persons, of Earls and Barons holding an entire Barony, a reasonable fine when they shall have done homage or fealty for their Baronies; and if they hold by a part of a Barony, that they take a reasonable fine according to the portion to them belonging. But other Abbots, Priors, and persons religious and secular, who hold not by a Barony, or part of a Barony, shall not be distrained to make fine, as it is said of those who hold by a Barony, or part of a Barony, but the chamberlain shall be content with the upper garment, or with the price of the garment, which is said more in favour of religious than of secular persons; for it is more fitting that religious men should make fine for their upper garment, than put it off.

From Abbots
and Priors.

Archbishops
and Bishops.

Men of
Religion.

Fees of the
King's
Chamberlains

XLIII. Be it prohibited from henceforth to hospitallers and templars, that hereafter they bring any man in plea before the keepers of their privileges for any matter, the cognisance whereof belongs to the King's court; which if they shall do, first having restored damages to the party injured, they shall be heavily punished toward the lord the King. The lord the King also prohibits the keepers of the said privileges from henceforth granting citations at the instance of hospitallers, templars, or other persons privileged, until it be expressed on what matter the citation ought to be made; and if such keepers see that a citation is required upon any matter, the cognisance whereof belongs to the King's court, such keepers shall neither make nor acknowledge the citation. And if the keepers shall have

As to keepers
of privileges.

nec citaçom faciant nec cognoscant. Et si aliſ feſint cōſeruatores respondeant parti lese de dampnis & nichilomin⁹ versus dñm Regem graui⁹ puniant⁹. Et q̄ hui⁹modi priuilegiati impet⁹nt Conseruatores subpriores Precentores Sacristas viros Religiosos qđ nichil habent vnde lesis aut dño Regi satisfacere possunt qui audaciores sunt ad ledend dignitatem dñi Regis q̄ eoꝝ supiores quibꝫ p eoꝝ temporalia pena potest infligi. Caveant decepto ꝑlati hui⁹modi obedienciarioꝝ ne permittant obedienciarios suos assuſe sibi iurisdicçom in ꝑiudiciũ dñi Reġ & corone sue. Quod si feſint, p fco ipsoꝝ respondeant supiores ac si de pprio fco suo conuicti essent.

De Custodibus
hostiorum
seruientibus
coram
Justic.

De Custodibꝫ hostioꝝ in Itifibꝫ & virgam portantibꝫ coram Justic de Banco, ordinatum est qđ de qualibet assisa & iurata quam custodiũt capiant quatuor denaꝝ tantũ. De Cyrograffis nichil. D. hiis qui recuperant demandas suas p defaultã reddicçom vel alio modo p iudiciũ sine assisa & Jur⁹; De hiis qui recedunt sine die per defaultam petentis vel querentis nichil capiant. Et si quis recuperavit demandã vers⁹ plures p vnũ bře & p recognicçom assie vel Jurate de quatuor denaꝝ tantũ sit contentus. Et simili⁹ si plures in vno bři nominati p recognicçom assie vel Jurate de quatuor denaꝝ im sint contenti. De hiis qui faciũt homagiũ in Banco de supiori panno sint contenti. De magnis assis attinctis Juratis & duello pcusso duodeci denaꝝ tantũ recipiant. De hiis qui vocati sunt coram Justic ad sequend vel defendend placitũ suũ nichil dent p egressu vel ingřu. Ad placita Corone de qualibꝫ duodena duodecim denaꝝ tantũ capiant⁹. De quolibet prisone delibato quatuor denũ tantũ capiant⁹. De quolibet cui⁹ pax pclamata fũit duodecim denaꝝ tantũ capia⁹. D. inuentoribꝫ vicinis & aliis attachiatis villatis quatuor hominibꝫ & ꝑposito decennariis nichil capiat⁹. De Cyrog⁹phariis & Cyrog⁹pho faciendo statutũ est qđ de quatuor solid⁹ sint contenti. De Cficis scribentibꝫ breuia originalia & Judicialia statutũ est qđ p bři de denaꝝ sint contenti. Et iniũgit dñs Rex omibꝫ & singulis Justiciar⁹ suis in fide & sacro quibꝫ ei tenent⁹ qđ si hui⁹modi ministri cont⁹ ꝑdem statutũ in aliquo vefũnt & querimonia ad eos

done otherwise, the keepers shall answer to the party injured for damages, and nevertheless shall be heavily punished as regards the King. And forasmuch as such privileged persons depute keepers, sub-priors, chantors, sacristans, who are men of religion, having nothing wherewith to satisfy the parties injured, or the lord the King, who are more bold to offend the lord the King's dignity than their superiors, to whom punishment may be assigned by their temporalities; let the prelates of such obedientiaries henceforth beware, that they do not suffer their obedientiaries to assume to themselves any jurisdiction in prejudice of the lord the King and his crown; and if they shall so do, their superiors shall answer for their deed, as if they were convicted upon their own act.

XLIV. Concerning door keepers in the circuits, and those bearing the verge before the justices of the Bench; it is ordained, that of every assise and jury that they keep, they take 4*d.* only, and for the chirographs nothing. Of those who recover their demands by default, reddition, or otherwise by judgment without assise and jury; of those who go without a day by default of the demandant or plaintiff, they take nothing. And if any recover his demand against several by one writ, and by recognition of assise or jury, they be content with 4*d.* only. And likewise if many named in one writ recover by recognition of assise or jury, they be content with 4*d.* Of those who do homage in the Bench, they be content with the upper garment. Of great assises, attaints, juries, and the duel waged, they take 12*d.* only. Of those who are called before justices, to sue or to defend their plea, they take nothing for coming in or going forth. At the pleas of the crown, for every jury, 12*d.* only be taken. Of every prisoner delivered, 4*d.* only be taken. Of every one whose peace shall be proclaimed, 12*d.* only be taken. Of finders, of the neighbouring and other vills attached, of the four men and the provost, of the tythingmen, nothing be taken. Of chirographers, for making a chirograph, it is ordained, that they be content with 4*s.* Of clerks writing writs original and judicial, it is ordained, that they be content with 1*d.* for a writ. And the lord the King charges all and singular his justices, on the fealty and oath whereby they are bound to him, that if such officers shall offend in any thing against this statute, and complaint shall come to them, they inflict on them reasonable punishment:

Of door
keepers
serving before
the Justices.

Chirographers.

Clerks writing
original writs.

pueffint penam eis infligant rōnabilem ; et si iterum deliquerint maiore penam eis infligant qua castigari mīto debeant. Et si licio deliquerint, ⁊ sup hoc conuicti flint si sint ministri de feodo amittant feodū suū si alii sint, amittant Cuī Regis nec redeant sñ ipīus Regis speciali p̄cepto aut grācia.

De recordis
et inrotulatis
in Cancell
vel coram
Justiciariis.

Qvia de hiis que recordata sunt coram Cancellar̄ dñi Regis ⁊ eius Justic̄ qui recordū habent ⁊ in rotulis eoꝝ inrotulata nō debet fieri p̄cessus placiti p sūmonicōnes attach̄ essoñ visus lre ⁊ alias solempnitates Cuī sicut fi cōsuevit de contr̄ctibꝫ ⁊ cōuençōibꝫ f̄cis extra Cuī, obſuand̄ est deceſo qđ ea que inueniūt inrotulata coram hiis qui recordū habent vel in finibꝫ contenta siue sūt contractus siue conuençōnes siue obligacōnes siue seruicia aut cōsuetudines recognita siue alia quecūq, inrotulata quibꝫ Cuī dñi Reḡ sine iuris ⁊ consuetud[inis] offensa auctoritatē p̄stare potest talem deceſo habent vigore qđ nō sit necesse inposterū de hiis placitare, set cū veſit cōquerens ad Cuī dñi Reḡ si recens sit cōgnitio vel finis videt̄ infra annū in b̄ri leuatus statim heat b̄re de execuçōne illius recognicōis f̄ce. Et si forte a maiori tempore t̄nsacto f̄ca fuerit illa recognicio vel finis leuat⁹ p̄cipiat⁹ viç qđ scire faciat parti de qua sit querimonia qđ sit ad et̄um diem osten̄ si quid sciat diçe quare hui⁹modi inrotulata vel in fine contenta execuçōm h̄re nō debeant. Et si ad diē nō veſit vt forte veſit ⁊ nichil sciat diçe quare execuçio fieri nō debeat, p̄cipiat⁹ viç qđ rem inrotulatam vel in fine contentā exequi faciat. Eodem modo mandet⁹ ordinario in suo casu obſuato nichilomin⁹ qđ sup̄d̄cm est de medio qui p recognicōm aut Iudiciū obligatus est ad acquietand̄.

De vastis
appruandis.

Cvm in statuto edito ap̄d m̄toñ concessum fuerit qđ dñi vastoꝝ boscoꝝ ⁊ pasturaz̄ appruare se possint de vastis Boscis ⁊ pasturis illis nō obstante contr̄dicçōe tenenciū suoꝝ dūmodo tenentes ipī herent sufficientē pasturā ad teñ suū ⁊ libo igressu ⁊ egressu ad eandem et p eo qđ nulla fiebat mencio in l̄o vicinū ⁊ vicinum multi dñi vastoꝝ boscoꝝ ⁊ pasturaz̄ hucusq, impediti extiterunt p contr̄dicçōm vicinoꝝ sufficientē pasturā h̄ncium. Et q̄ forinseci tenentes nō habent maius ius cōmunicandi in vasto aut pastura alicui⁹ dñi q̄ pprii tenentes ipīus dñi, statutū est deceſo qđ statutū apud Merton̄ puisū inter dñm ⁊ tenētes

and if they offend a second time, they inflict on them greater punishment, by which they may be duly corrected: and if they shall offend a third time, and be thereupon convicted, if they be officers of fee, they lose their fee; if they be others, that they be dismissed the King's court, and that they return not without the special precept or grace of the King himself.

Punishment of offenders.

XLV. Inasmuch as of such things as are recorded before the Chancellor of the lord the King and his Justices who have record, and are inrolled in their rolls, process of plea ought not to be made by summons, attachment, essoin, view of land, and other solemnities of the court, as has been used to be done of contracts and covenants made outside court; from henceforth it is to be observed, that those things which are found inrolled before those who have record, or contained in fines, whether they be contracts, covenants, obligations, or services or customs acknowledged, or other things whatsoever inrolled, wherein the lord the King's court, without offence of law and custom, may exercise authority, from henceforth shall have such force that hereafter it may not be necessary to plead concerning them; but when the plaintiff shall have come to the lord the King's court, if the recognition or fine be recent, that is to say, levied in writ within the year, that he forthwith have a writ of execution of that recognition made. And if the recognition shall have been made, or the fine levied at a time further back, the sheriff shall be commanded that he cause the party of whom complaint is made, to know that he be [before the justices] at a certain day, to show if he have anything to say why such matters inrolled or contained in the fine ought not to have execution. And if he shall not come at the day, or perchance come, and can assign no reason why execution ought not to be had, the sheriff shall be commanded to cause the thing inrolled or contained in the fine to be executed. In like manner, that the Ordinary be commanded in his case, observing nevertheless what is before said of a mesne, who by recognition or judgment is bound to acquit.

Of records and inrolments in Chancery or before the Justices.

Scire facias after the year.

Execution by the sheriffs.

or Ordinary.

XLVI. Whereas, in a statute published at Merton, it was granted that lords of wastes, woods, and pastures, may approve the said wastes, woods, and pastures, notwithstanding the objection of their tenants, provided that the tenants themselves have sufficient pasture to their tenements, with free ingress and egress to the same: and forasmuch as no mention was made between neighbour and neighbour, many lords of wastes, woods, and pastures, have been hindered heretofore by the objection of neighbours having sufficient pasture: and because foreign tenants have no more right to common in the waste or pasture of any lord than the lord's own tenants; it is ordained, that the statute of Merton, provided between the lord and his tenants, from henceforth

Of approval of wastes.

locū h̄eat deceſo int̄ d̄nos vastoꝝ boscoꝝ ⁊ pasturaꝝ ⁊ vicinos ita q̄d d̄ni huiꝰmodi vastoꝝ boscoꝝ aut pasturaꝝ salua ſufficienti pastura hominibꝫ ſuis ⁊ vicinis appropriare ſe poſſint de residuo. Et hoc obſuetꝝ de hiis qui clamant pasturā tanq̄ ptinentē ad teñ suū. Set ſi quis clamat cōmunā p ſpeciale feoffamentū vel concessionē ad et̄um nuñū aūioꝝ vel alio modo q̄ de iure cōmuni h̄ere deberet cū conuencio legi deroget h̄eat suū recupare quale h̄ere debet p formā cōcessionis ſibi f̄ce; occasione molendini venticii Bercaꝝ vaccaꝝ augmentaōis Cuꝝ necessaꝝ aut curtilagii deceſo nō grauetꝝ quis p ass̄m noue diſſe de cōmuna pasture. Et cū contingat aliqū q̄d aliquis ius habens appruiare ſe fossatum aut ſepem leuaſit ⁊ aliqui noctanꝰ vel alio tali tempore q̄d nō credant f̄cm eoꝝ ſciri fossatum aut ſepem pstraſint, nec ſciri poſit p vered̄m ass̄ie aut Jurate qui fossatū aut ſepē p̄stauerunt nec velint hoīes de villatis vicinis indictare de huiꝰmodi f̄co culpabiles; diſtingantꝝ p̄pinque villate circūadiacentes leuare fossatū aut ſepē ad custom p̄priū ⁊ dampna reſtitūe. Et cum aliquis ius nō habens cōicandi vſurpet cōmunā tēpe quo heredes ext̄ſint infra etatē vel vxor ſub potestate viroꝝ existienciū vel pastura ſit in manu tenenciū in dotein p legem Angl̄ alias ad l̄minum vite vel annoꝝ vel p feodū talliatū; et pastura illa diu vſi f̄ſint m̄ti ſunt in oppinione q̄d huiꝰmodi pasture debent dici ptinere ad liberū teñ ⁊ q̄d h̄iꝰmodi poſſeſſori compeſe debet actio p b̄re noue diſſie ſi ab huiꝰmodi pastura deforcietꝝ ſet deceſo tenend̄ est q̄d h̄ntes huiꝰmodi ingreſſum a tempore quo currit b̄re mortis antecessoꝝ ſi antea cōmunā nō habuerunt, nō h̄eant recupare p b̄re noue diſſie ſi fuerint deforciati.

De aquis
positis in
defenſo.

Prouiſum eſt eciam q̄d aque de Humbre Vſe Trente Doon Ayre Derwente Wherf Tyd Yore swale Teſe ⁊ om̄es alie aque in quibꝫ ſalmones capiuntꝝ in regno ponantꝝ in defenſo quo ad ſalmones capiendꝝ a die Nat̄ beate Marie vsq̄ ad diem ſc̄i Martini. Et ſimilr q̄d ſalmunculi nō capiantur nec deſt̄antꝝ p retia nec p aliqua ingenia ad stagna molendinoꝝ a medio Apr̄i vsq̄ ad Natiuitatē ſc̄i Joh̄is Bapt̄ et in partibꝫ vbi huiꝰmodi riparie f̄ſint aſſignentꝝ cōſeruatores

hold place between lords of wastes, woods, and pastures, and their neighbours; so that the lords of such woods, wastes, or pastures, saving sufficient pasture to their men and neighbours, may be able to make approvement of the residue. And that this be observed of those who claim pasture as appurtenant to their tenements. But if any one claim common by special feoffment or grant for a certain number of beasts, or in any other way than he ought to have of common right, since covenant abrogates the law, that he have such recovery as he ought to have had by form of the grant made to him. By reason of a windmill, sheep-cote, dairy, enlarging of a court necessary, or curtilage, no man from henceforth shall be injured by assise of *novel disseisin* for common of pasture. And where sometimes it happens, that one having right to approve, raises a dyke or hedge, and some, either by night, or at any other time, when they suppose their deed would not be known, shall have overthrown the dyke or hedge, and it cannot be known by verdict of assise or jury, who overthrew the dyke or hedge, and men of the neighbouring vill will not indict those guilty of such deed, that the neighbouring vill be distrained to make up the dyke or hedge at their own cost, and to yield damages. And where one, having no right of common, usurps common during the time that heirs shall have been under age, or a woman under the power of husbands, or whilst the pasture is in the hand of tenants in dower, by the law of England, or otherwise for term of life or years, or in fee-tail, and have used the pasture for a long time, many are of opinion, that such pastures ought to be said to belong to the freehold, and that such possessor ought to have action by a writ of *novel disseisin*, if he be deforced from such pasture; but from henceforth it is to be held that they having such entry from the time in which a writ of *mortd'ancestor* runs, if they had no common before, have no recovery by a writ of *novel disseisin*, if they be deforced.

Lords may approve common against their neighbours, leaving them sufficient

Destruction of a dyke or hedge made by an approver.

Neighbouring vill answerable. Usurpation of common during the estate of particular tenants.

XLVII. It is provided, that the waters of the Humber, Ouse, Trent, Don, Aire, Derwent, Wharfe, Nid, Yore, Swale, Tees, and all other waters wherein salmon are taken within the kingdom, be put in defence as to taking salmon from the day of the nativity of St. Mary to St. Martin's day; and that likewise young salmon be not taken or destroyed by nets, or other engines at millpools, from the middle of April up to the nativity of St. John the Baptist. And in places where there are such rivers, there be assigned conservators under this statute, who being sworn, may oftentimes see and inquire as to offenders. And for the first trespass, that they be punished by burning of their nets and engines. And

Of waters put in defence.

istius statuti qui ad hoc iurati sepius videant & inquirent de tⁿsgressoribz et in prima tⁿsgressionē puniant^r p combustionē retiū & ingenioꝝ. Et si i^fato deli^qrit puniant^r p pⁱsonam vni⁹ q^arterii anni. Et si i^fato deliquerint puniant^r p prisonā vni⁹ anni. Et sic multiplicata tⁿsgressionē crescat pene infliccio.

De visu terre. De visu terre ordinatum est & statutum qđ dece^o nō concedat^r visus nisi in casu qñ visus est necessarius sicuti si aliquis amittat teñ p defaltam & ille qui amisit suscitet b^re ad petendū idem teñ & in casu quando quis p aliquā dilatoriā cassat b^re post visum terre sicut p nō tenuram vel male noīando villam vel hui⁹modi si suscitet aliud b^re in hoc casu & supiori dece^o nō concedat^r visus dū^o visū habuit in pⁱoribz breuibz. In b^ribz de dote cū petit^r dos de teñ qđ vir vxoris alienauit tenenti aut eius antecessori cū ignorare nō debeat tenēs quale teñ vir vxoris alienauit sibi vel antecessori suo liest vir nō obiit seisisus nichilominus tamen tenenti dece^o nō erit visus concedendus. In breui eciam de Ingressu Cassato p hoc qđ petens male noīauit ing^rum si petens suscitet aliud b^re de alio ingressu si tenens in priori breui habuit visum, in s^cdo nō habebit. In omibz ecia breuibz p que teñ petent^r ratione dimissionis quā petens vel eius antecessor fecit tenenti & nō antecessori sicuti qđ ei dimisit dū fuit infra etatē nō cōpos mentis in prisona & consimilibz nō iaceat dece^o visus, set si dimissio f^ca fuit antecessori iaceat visus sicut prius.

Omnia p^dcā statuta incipiant conseruari ad festum s^ci Michⁱs p^x venturū ita qđ occasione aliquoꝝ delictoꝝ cont^a aliquod p^dcōꝝ statutoꝝ cit^a p^dc^m festū ppet^atoꝝ pena delinquentibz de quibz mencio fit in statutis nō infligat^r, sup vero statutis in defectū legis & ad remedia editis ne diucius querentes cū ad Cu^r vēñt recedant de remedio despatⁱ, h^eant breuia sua in suo casu puia, set nō placitētur vsq³ post pred^cm festum s^ci Michⁱs,

if they offend again, that they be punished by imprisonment for a quarter of a year. And if they offend again, that they be punished by imprisonment for a year; and as the trespass increases, let the infliction of the penalty increase.

XLVIII. As to view of land, it is ordained and provided, that from henceforth view be not granted but in case when view is necessary; as if one lose a tenement by default, and he who lost move a writ to demand the same tenement; and in case when any one by an exception dilatory abates a writ after the view of the land, as by non-tenure, or misnaming of the vill, or such like, if he move another writ, in this case, and in the case before-mentioned, from henceforth view be not granted, provided he had view in the former writs. In writs of dower, where the dower is demanded of tenement that the husband of a wife aliened to the tenant or his ancestor, where the tenant ought not to be ignorant what tenement the husband of the wife aliened to him or his ancestor, though the husband died not seised, nevertheless from henceforth view shall not be granted to the tenant. In a writ of entry also, which is abated because the demandant misnamed the entry, if the demandant move another writ of entry, if the tenant had view in the former writ, he shall not have it in the second. In all writs also by which tenements are demanded by reason of a demise made by the demandant, or his ancestor, to the tenant, and not to the ancestor, as that which he demised to him, while he was under age, not of sound mind, in prison, and such like, that view do not lie henceforth; but if the demise were made to the ancestor, that view lie as heretofore.

Of view of land.

[XLIX. The Chancellor, Treasurer, Justice, or any of the King's Council, a clerk of the Chancery, of the Exchequer, of a Justice or other officer, or any of the King's house, clerk or lay, shall not receive any church, or advowson of a church, land, or tenement in fee, by gift, or by purchase, or to farm, or by champerty, or otherwise, so long as the thing is in plea before us, or before any of our officers; nor shall they take any reward thereof. And he who does any such thing, either by himself, or by another, or commits any fraud therein shall be punished at the King's pleasure, as well he who shall purchase, as he who shall do it.]¹

Purchasing title of lands in suit.

L. All the said statutes shall begin to be observed at the feast of St. Michael next ensuing, so that by occasion of any offences committed before the said feast, contrary to any of the said statutes, no punishment (mention whereof is made in these statutes) shall be inflicted upon the offenders. Moreover, concerning statutes provided for cases where the law fails, and for remedies, lest any longer suitors, when they shall have come to court should depart from thence hopeless of remedy, shall have writs provided in their cases, but they shall not be pleaded until after the feast of St. Michael aforesaid.

Commencement of the foregoing statutes.

¹ This clause, which is in French, is not in the Statute Roll or in the Red Book (Dublin). It is printed in *Statutes of the Realm* from another MS. See note p. 96 of *Statutes of the Realm*.

19 EDWARD I. A.D. 1291.

[RED BOOK OF THE EXCHEQUER IN IRELAND, fol. 74-75.]

[ARTICULI CLERI.]

. . . .¹ Justic Hybñ a die Pasche in tres septiman
Anno R R Edwardi decimo [nono].²

i. articulus.

C. Si fur ut lat^o ut aliq^s feloniam cōmittens tⁿsitum fecerit p loca ubi aliquis βlatus vt clericus infra sac^os constitut⁹ existat, qui clamorem si non fecerit p quem clamorem fur ut latro feloniamve cōmittens capi possit, βlatus ut clericus pred^{ch}s attachiat^r p minist^os seculares & carceri mancipabit^r sicut patet de quodam pl^{ch}io de Esmayn³ incar^{ch}ato ap^d Roscre p minist^os dñi regis.

Respons.

Si simpliciter ex causa tali respondet^r qd non est incarcerandus, set si subfuerit legitia potest. Sciat^r ergo ra^o capcōis, et fiet iusticia.

Sequit^r respon^o p Regem.

Rex.

Rex vult qd nullus clericus ut βmittit^r arestet^r in tali casu ut clamor huiusmodi leuet^r p eum aut ea de causa in aliquo⁴ seu licet clamorem non leuauerit oc^oonetur.

ii. articulus.

C. Item si quis ad ec^{ch}am p quoq³ delicto confu^git non pmittit^r p minist^os laicales qd nec^{ch}ia & victualia p quemcūq³⁴ qfugienti ministrent^r sub pena certa firmit^r iniūgenda. Set in ip^a ec^{ch}a compedib³ confugientem detineri faci^{nt}⁴ ap^d Lochrechⁱ Clonferⁱ dioc.

Res^p.

Multa p immunitate ec^{cl}ie Regⁱ & Regni tempe & looo guerrinis pmittenda sunt que alias pmitti non debent. Inquirat^r . . .⁴ de facto & fiet inde iusticia.

Sequitur alias responsio p Regem.

Rex vult qd hī fugitiuus ad ec^{ch}am bene custodiat^r eo m^o quo ing^gssus fuerit usq³ ad terminū debitum & habeat victualia.

¹ Top of folio cut away here.² The word *nono* is very indistinct, but has been adopted here, as in the Reports of the Record Commissioners (1810-1815), plate viii., is found a facsimile of portion of this folio (74) of the Red Book, which reads *nono*.³ Asmain—Asmayn, an obsolete parish in the Deanery of Cashel.⁴ Obliterated.

19 EDWARD I. A.D. 1291.

ARTICLES OF THE CLERGY.

. the Justiciar of Ireland in three weeks from the day of Easter in the 19th year of the reign of King Edward.

If a thief or robber, or any one committing a felony, make his way through places where any prelate or clerk in Holy Orders is established, if he shall not have made cry, by which cry the thief or robber or person committing the felony might be captured, the prelate or clerk aforesaid is attached by the secular officers and will be committed to prison, as appears in the case of a certain prelate of Esmayn imprisoned at Roscrea by the officers of the lord the King.

1st Article.
Attachment
of clerks for
not making
hue and cry

If simply from such cause, the answer is, that he should not be imprisoned; but if he should have assisted the thief, [the imprisonment] may be lawful. Therefore, let the reason of the imprisonment be known and justice shall be done.

A reply by the King follows.

The King wills that no clerk, as aforesaid, should be arrested in such case, or cry of such kind raised by him, or that [he be troubled] on that account in any . . . even though he may not have raised cry.

The King

Item, if any one fly for refuge to a church for any crime, it is not permitted by the lay officers that necessaries and victuals should be ministered by anyone . . . to the fugitive, under a fixed penalty, firmly to be enjoined; but they cause the fugitive to be detained in fetters in the church itself, [as lately] at Loughrea in the diocese of Clonfert.

2nd Article.
Necessaries
for fugitives
to churches.

Many things have to be permitted for the immunity of the Church, the King and the Kingdom, at a time and at the seat of war, which at another time ought not to be permitted; let enquiry be made about the fact and justice therein done.

Another reply by the King follows.

The King wills that a fugitive of this kind should be well guarded at the church, in such a way that there should

The King.

Et si eccliam post lapsum termini scdm legem euacuare recusauerit, victualia subtrahantur eidem.

iii. articulus. C. Item clerici ad querelam aliquorū p p̄dicos minist^{os} incarcerati ita g^uit^{ur} & vili carcere tenent^{ur} qd ubi legit^{ur} de crimine sibi inposito coram suis prelat^{is} se purgare possent non audiunt^{ur} s3 metu pena^{rum} & corp^{us} suorū cruciatuū finē ut redemptionem in contemptū clauū ecclie & ord^{is} clericalis non modicū preiudiciū facere compellunt^{ur}. Et si prelati debitum suum officiū excercuerint attachiant^{ur} & amerciant^{ur} sicut nup accidit in dioc^{es} ffernens & Daren^s.

resp. ffernens & Daren^s sunt loca libertatuū de quib3 d^{ns} Rex iusticiā faciet cōq^urentib3 scdm iura.

Seq^{ur} alia resp^o p Regē.

Rex. Rex vult qd in casu ubi non iacet vite uel membro^{rum} amissio fiat finis p t^{ra}nsgressionib3 suis. Et e conuerso liberant^{ur} prelat^{is} tales quales inueniuntur.

iiij. articulus. C. Item p̄lati & alii clerici minores & religiosi ad diffamatioem seu indictatioem laico^{rum} capiunt^{ur} indistincte & carceri mancipant^{ur} n^o ad moniatioem p̄lato^{rum} si cō deberent liberant^{ur} s3 vilius pp̄ hoc in carcere detinent^{ur}. Hoc cōi^l accidit ī plurib3 p^{er}sonis.¹ Prefea hodie nitunt^{ur} iudices seculares & max^{ime} minist^{ri} dⁿⁱ Reg^{is} qd clerici licet laicū feodum non habeant de oib3 accōib3 psonalib3 & t^{ra}nsg^{re}ssionib3 seu delictis respondere debeant coram eis omisso suo Ep̄o cont^{ra} omia iura cū actor forum rei sequi debeat.

resp. sc̄m p
Regē

Iniuriam passi cōq^urant^{ur} de fco d^{cto} corā Justic^{is} & fiet eis

The MS. here is much worn : the word might be read *personis*.

be access up to the due term, and that he should have victuals; and if he refuse to leave the church after the lapse of the term according to law, the victuals should be withdrawn from him.

Item, clerks imprisoned at the complaint of any, are detained by the said officers so grievously and in so vile a prison, that in cases where they might be able to purge themselves legally of the crime imputed to them before their prelates, they are not heard, but through fear of punishments and of their bodies being tortured, they are forced to pay a fine or ransom, in contempt of the keys of the Church, and to the very great prejudice of the clerical order. And if the prelates exercise their due office, they are attached and fined, as lately happened in the dioceses of Ferns and Kildare.

Ferns and Kildare are places of Liberties, of which the lord the King will do justice to complainants, according to right.

Another reply by the King follows.

The King wills that in case where loss of life or limbs lies not, a fine for their offences be made; and on the other hand, that such as are found so be delivered to the prelates.

Item, the prelates and other the minor clergy and the religious, are taken at the accusation or indictment of laymen, without distinction, and committed to prison; nor, at the warning of the prelates are they liberated, as they ought, but the more vilely on this account are they detained in prison. This commonly happens in many prisons. Moreover, the secular judges, and specially the officers of the lord the King, now contend that clerks, although they have not a lay fee, should answer before them as to all personal actions and trespasses or faults, ignoring their Bishop, contrary to all right, since the complainant ought to follow the tribunal of the accused.

Let those who have suffered injury make complaint to the certain fact before the Justiciar, and justice shall be

3rd Article
Ill-treatment
of clerks
arrested.

4th Article.
Clerks
compelled to
answer before
lay tribunals.

Reply made
by the King

iusticia. Et si iustia in iure sibi defuerit ostendat sua g^anamina Regi et consilio suo et vocato Justiciario fiet iustia.

v. articulus.

C. Item si prelati qui curam habent animarū precipue maloꝝ xp̄ianoꝝ vidz utlagatoꝝ et pacis pturbatoꝝ p quibz vocandis Jēhus xp̄s de celis descendit qui in Ewnglio ait non veni vocare justos sꝫ peccatores ad eosdē monend corrigend et ad pacem inducend accesserint ne sangⁱs eoꝝ a manibz suis req^rant^r et sic cum eisdm sp̄ualit^r ad corectiōm eoꝝdm et ad salm aliaꝝ suarū aliquo m^o comunicauerint statim attachiant^r ac si maliciis eoꝝ essent consencientes n^o auctores et fautores eoꝝdm et receptatores et frequen^r accidit in om̄ibz marchiis.

respon̄.

Ad immunitatem tam eccl̄e q^am Regis et Regni qm̄ sepe uocari et eciam ad requisicoem preloꝝ concedi consuevit brachiū seclare. Et si qui passi sunt iniuriam cong^rant^r de fco cto et fiet eis iusticia. Sequit^r it̄.

Rex.

Quia quidam prelati Hybernici frequen^r hui^omodi faciūt p velamina pocius p malo q^am p bono Rex vult qd nullus huiusmodi s̄monem faciat absq^a presentaçoem et consilio Justiç.

vj. articulus.

C. Item cum dñs Rex om̄s croceas tam in libertatibz q^am ext^a sibi speciali^r retinuerit videt^r prelati qd laici tenētes de crocea et eciam clerici coram señ libertatum respondere non debent licet multociens dci señ ip̄os in exigend et nⁱ veñint ip̄os faciunt utlagari, et sic nitunt^r auferre dño Regi fines et redempçoēs et catalla alia que sibi possent accedere ut in diocesi ffernens.

resp̄.

Dñs Rex de g^auaminibz sⁱ facti faç acçoem et celi se sencientes g^auati qq^ori pofūt et fiet eis iustiç. Sufficit ista resp̄.

done them; and if justice be lacking to them in law, let them present their grievances to the King and his Council, and the Justiciar being summoned, justice shall be done.

Item, if the prelates who have cure of souls, (especially of bad Christians, namely, of outlaws and disturbers of the peace, for the calling of whom Jesus Christ descended from heaven, who says in the Gospel, "I came not to call the righteous, but sinners,") go to them to warn, correct and lead them to peace, lest the blood of these be required at their hands; and so when for their correction and the salvation of their souls they have spiritually communicated with them in any way, they are attached forthwith, as if they were consenting parties to their evil deeds, though neither advisers, favorers nor harbourers of them; and it frequently happens in all the marches.

5th Article.
Attachment
of clerks when
spiritually
ministering to
felons, &c.

For the immunity as well of the Church as of the King and Kingdom, the secular arm is frequently wont to be invoked, and also to be granted, at the request of the prelates. If those who have suffered injury complain about a certain fact, justice shall be done them. There follows also :

Because certain Irish prelates frequently make this a pretence, rather for an evil than a good purpose, the King wills that no one hold such communication, without presentation, and by the advice of the Justiciar.

Item, whereas the lord the King has specially retained to himself all Crosses, as well in liberties as without them, it seems to the prelates that lay tenants of a Cross, and also the clergy, ought not to answer before the seneschals of the liberties, although frequently the said seneschals [put] them in exigent, and unless they come, cause them to be outlawed, and so they strive to take away from the lord the King, fines and ransoms and other chattels, which might come to him, as in the diocese of Ferns.

6th Article.
Lay tenants
of a Cross
and the clergy
ought not to
answer before
seneschals of
liberties.

The lord the King will take action as to injuries done to himself; and others, feeling themselves aggrieved, may complain, and justice shall be done them.

This reply is sufficient.

vij. articulus C. Itē cū bře phibičōis ad coronam dñi Reġ dicat^r ptiſſe dñi señ & minist^r libertatū Lageñ & aliaꝝ libertatū dñis suis dcm bře phibičōis usurpare & appi^rare¹ erent^r & subditis suis in foro ecčastico čam licz sřualem pseq^{nt}ibꝫ bře de phibičōe de g^uaminibꝫ scđm form^{am} quā dñs Rex sc^{ib}it. Et si cont^a dčm phibičōm causam suam ampli⁹ pseq^{nt}r g^uuif⁹¹ libertatis & regie dignitatis řiudiciū non modicū & g^uamen. conquerant^r g^uuati & fiet eis iusticia. Sufficet ista responcio.

vij. articulus C. Cum omē sac^llegiū sit c^limen ecčasticū & inieče manus violentas in clericū religiosū vt confusum sit sac^llegiū p consequens debet ptinere ad iudicem ecčasticū. Et tñ phibetur hiis diebꝫ Iudici ecčastico ne de tali crimine cognoscat & si tales sac^llegi remanent in excōicacōe & in fideliū cōmunionē & q^u sūt p dī sentenciam sepati sicut patꝫ in Priore de Instyok & dño Eřo fernēsi cuius lis pendet. Idem dicūt řlati de omī crimine ecčastico utpote incestu adultřio fornicačoe usura heresi sřmonia sortilegio qđ est cont^a fidē catholicam directe piurio fidei lesione & aliis multis de quibꝫ ecča cognoscere consuevit ad correccionē & salutem āiarum a tempe a quo non extat memoria.

resř. Dñs Rex nō intēdit řlatis ecče sue řiudicari sꝫ qq^urētibꝫ i hiis & aliis iusticiā in sua curia exhibere. Sequit^r alia resř p Ř.

Rex. Ad reddēd & restitučōem faciend de bonis ablis ab ecča

¹ Obliterated.

Item, whereas a writ of prohibition is declared to appertain to the crown of the lord the King, the said sene-
schals and officers of the liberties of Leinster and other
liberties [are wont] to usurp and appropriate the said
writ of prohibition to their lords, and [direct to] their sub-
jects prosecuting a cause, although spiritual, in the ecclesi-
astical court, a writ of prohibition as to their grievances,
according to the form which the lord the King writes. And
if, contrary to the said prohibition, they prosecute their
cause further, they are heavily [amerced for the profit of]
the liberty, to the no small prejudice and injury of the
royal dignity.

7th Article
Officers of
liberties
usurping
writs of
prohibition.

Let those who are aggrieved make complaint, and jus-
tice shall be done them.

This reply is sufficient.

Inasmuch as all sacrilege is an ecclesiastical crime, and
the laying violent hands on a clerk, religious person or lay
brother, is sacrilege, consequently it ought to appertain to
an ecclesiastical judge; and, nevertheless, in these days it
is prohibited that an ecclesiastical judge take cognisance
of such crime, and so such sacrilegious persons remain
in excommunication and in [exclusion from] the com-
munion of the faithful, because they are by divine
sentence separated, as appears in the case of the
Prior of Inistioge, and the lord Bishop of Ferns,
whose suit is pending. The prelates say the same of every
ecclesiastical crime, namely, incest, adultery, fornication,
usury, heresy, simony, soothsaying (which is directly con-
trary to the Catholic faith), perjury, breach of faith,
and many other things, about which the Church is wont
to take cognisance for the correction and salvation of souls,
from a time to which memory runneth not.

8th Article.
Ecclesiastical
crimes should
be in the
cognisance of
ecclesiastical
judges.

The lord the King does not intend to prejudice the pre-
lates of his Church, but to those making complaint in
these and other matters, to exhibit justice in his Court.

Another reply by the King follows.

As to restoring and making restitution of goods taken
from a church, and as to trespasses against the peace

The King.

ac de t^{nsgr} q^a pacē h̄t R̄ qnosce īn de sentēcia lata q^{erit} satisfacō de p̄lato.

ix. articulus.

C. Item oū dñs Rex oīnes cās testamentar̄ ad forū Ecclasticū p̄tife recognoscat ⁊ ecclā Hybernicana in possessione iurisdīcōis eazd̄m a tempe a quo nō extat meñ vidz qđ creditores cui⁹cūq; defūcti exsecutores ip̄ius Testatoris in foro ecclastico conueniāt ⁊ ab ip̄is exsecutoribz conueniant^r balti seculares iudices ecclasticos sup hoc inpediūt ⁊ b̄re de phibīcōe tam ante latam sñiam quam post eis dirigunt qui si cont^auenevint attachiant^r incarceration^r ⁊ amerciant^r ⁊ nūc pendit causa in cui^r.

resp̄.

Assignet^r causa pendēs ⁊ fiet conquerenti iusticia. Sequit^r alia responsio p Regem.

Rex.

Oīnia in testañto verbata ⁊ specialit^r legata ad forū ecclasticū spectant ⁊ cetera de quibz non fit menō sptāt ad Regē scđm fores ⁊ leges Anglicanas.

x. articulus.

C. Itm si quis ad ecclā aliquā quēq; p̄sentauerit ⁊ prelat⁹ inq^{is} debitam put moris est ⁊ cōsuetudinis apphate face voluerit hoc si non pmittit^r set nⁱ incōtinēti p̄sentatū admittat p minist⁹s Regis attachiat^r ut ī Ossoriensi diocesi.

respon̄.

Inq̄rere pōent prelati cum velint ex officio. Et si quis inq̄r⁹e phibet^r ostendat b̄re ⁊ fiat iustic q̄rēti. Suffic̄ ista respon̄.

xi. articulus.

C. Itm cum Iudex ecclasticus iudicat⁹ est ad legem suam faciend̄ coram Iustic̄ de Banco de eo qđ tenuit plac̄ in cui^r xp̄ianit̄ cont^a phibīcōm dñi R̄ iusticia^r cōpellunt ip̄os iurare qđ nec ante phibīcōem porrectam n^o post tenuit placitū aliquod

the King has cognisance; nevertheless in case of sentence delivered, let satisfaction be sought from the prelate.

Item, whereas the lord the King acknowledges that all causes of testaments appertain to the ecclesiastical court, and the Irish Church is in possession of the jurisdiction of the same from a time to which memory runneth not, namely, that the creditors of anyone deceased may summon the executors of the said testator in an ecclesiastical court, and they may be summoned by the executors themselves; secular sheriffs thereupon hinder the ecclesiastical judges, and they direct to them a writ of prohibition, as well before sentence passed as after; who, if they contravene it, are attached, imprisoned and fined, and at present a cause is pending in court.

9th Article.
Testamentary
causes before
the ecclesiastical courts.

Let the pending cause be stated, and justice shall be done to the complainant.

Another reply by the King follows.

All things named in a testament and specially bequeathed, belong to the ecclesiastical court, and other things, about which no mention is made, belong to the King, according to the English courts and laws.

Item, if anyone shall have presented someone to any church, and the prelate wish to make due enquiry, according to the approved manner and custom, it is not permitted him, but unless he immediately admit the person presented, he is attached by the King's officers, as in the diocese of Ossory.

10th Article.
Attachment
of prelates for
enquiring as
to presentations
to churches.

The prelates can make enquiry when they wish, by virtue of their office, and if anyone is prevented from enquiry, let him exhibit a writ and let justice be done to the complainant.

This reply is sufficient.

Item, when an ecclesiastical judge is adjudged to make his law before the judges of the Bench, in that he held pleas in a court Christian contrary to the prohibition of the lord the King, the justices compel them to swear that neither before the prohibition was presented nor after, did he hold any plea; and this they do to the grievous injury of the

11th Article.
Prohibitions.

et hoc faciunt in graue dampnū Ordinariō et in picīm alia quia phibitō porrecta exstendi debet ad futura nō autē ad ut in ffernenens Diosēs.

responē.

Dñs R habere debet et consuevit quedam plac̃ sp̃tancia ad coronam et βlatis sⁱ hui⁹modi usurpantibz tam de iure qm de cōsuetudine phibere p b̃re qd minime facē oporteret nⁱ in prelatoz fauorem verūtāmē conquerant^r g^uati et fiat eis Justiā.

Sequit^r alia responcō p Regem.

Rex.

Rex vult qd cessant iudices post receptam phibitōm in casibz quibz phibitō iacet in ceteris uero non.

xij. articulus.

C. Item si prelatu subditū suū rite et in casu a iure pmissio excōnauerit et ille sic excōicatus quere moniam minist^{is} dñi Regis sup hoc deposuerit prelatu sic excōicans attachiat^r p b̃re q̃r excōicauit et p̃ssum suū coram p̃dcis minist^{is} exhibere compellit^r et compellit^r iudex p b̃re de cancella^r dcm excōicātū absolūe cū nullu Judex sc̃laris debeat cognoscere de sententia excōicaōis que est pena mere sp̃ualis.

responē.

Ex quo dicitur qd p b̃re ostendat^r b̃re et iniuriam passi cōq^urant^r et fiet iusticia.

Sequit^r alia res p Regem.

Rex.

Ex quo dicit^r qd p b̃re ostendat^r b̃re et quod corrigēd fuerit in b̃ri corigat^r. Et qui b̃re h̃i⁹ exire p[mi]serit vitupetur et subripiat^r et passis iniur fiet Justicia.

xlij. .

C. Itē si quis petat coram Iudice eccl̃astico bona sibi pmissa cū u^x sua mat^umonii causa cont^uhendi porigit^r sⁱ Regia phibitō et si cont^uenerit attachiat^r et amerciabit^r. Idm accidit si diuōcō legitime celebrato Iudex qui diuor̃cū celebravit de rebus mobilibz restituendis cognoēe velit.

Ordinaries, and to the endangering of souls; because the prohibition when presented ought to be extended to the future, but not to the [past], as in the diocese of Ferns.

The lord the King ought and has been wont to have Reply. certain pleas appertaining to the Crown, and the right to prohibit by writ prelates usurping such to themselves, as well of right as of custom. Which (the practice complained of) should by no means be done unless in favour of the prelates; however, let those aggrieved make complaint and let justice be done them.

Another reply by the King follows.

The King wills that the judges do not proceed after The King. receipt of the prohibition, in cases in which a prohibition lies; but in others not.

Item, if a prelate duly, and in a case permitted by law, 12th Article. excommunicate his subject, and the one so excommuni- Right of Excommuni- cated thereupon lay a complaint before the officers of the lord the King, the prelate so excommunicating is attached by writ [to answer] wherefore he excommunicated, and he is compelled to exhibit his process before the aforesaid officers; and the Judge is compelled by writ out of Chan- cery to absolve the said excommunicated person, though no secular judge should have cognisance of a sentence of ex- communication, which is a purely spiritual punishment.

On which it is answered that the writ should be ex- Reply. hibited by writ, and let those who have suffered injury complain and justice shall be done them.

Another reply by the King follows.

On which it is answered that the writ should be ex- The King. hibited by writ, and that what should be corrected in the writ be corrected, and let him who permitted such a writ to issue be rebuked and removed, and justice shall be done to those who have suffered injury.

Item, if anyone seek before an ecclesiastical judge goods 13th Article. promised to him with his wife, by reason of contracting Jurisdiction of ecclesias- matrimony, a royal prohibition is directed to him, and if tical judges in matters connected he contravene it, he is attached and fined.

responſi.

Ostendatur casus ⁊ conquerat^r grauatus ⁊ fiat eis iustiċ.Sequit^r alia responsio p Regem.

Rex.

Justicia^r respondeat se p certo intendere qđ Rex totis temporibz ret^oactis optinuit cognoscere in tali casu i Anglia ⁊ Hybⁿ p quod hi defacere nequit sine Rege. Unde si quis in hac parte g^uamina¹ ostendat Regi qui justiciam inde faciet q^u iustiċ nequit dnm suum eicere a seisinā.

21 EDWARD I. A.D. 1293.

[RED BOOK OF THE EXCHEQUER IN IRELAND, fol. 77.]

EDWARDUS dei grā Rex Angt dñs Hybⁿ ⁊ Dux Aquit Theſ ⁊ Baronibz suis de sc^ocio Dubliⁿ saltm. Mittimus vob quasdam ordinationes presentibz infclusas quas in fra nra Hybⁿ volum⁹ obseruari vob mandantes qđ dcas ordinationes scđm sui² tenorem in omnibz suis artiċlis fieri ⁊ obseruari faciatis. Et hoc nullatenus omittatis. T. me ipō apud Cantua^r xii. die Jul anno r̄ ñ vicesimo p^omo.

Ces sont les Ordinaunces qe le Rey ad comaunde fere e garder en sa tere de Irlaunde.

Des viscountes e autre bayllýs qe souent vnt este mýs par le graunt sel de Engleterre pur queý il vnt este meýns obeyssaunz al Escheker de Irlaunde e aussý de ceus qe sunt mýs par la Justice meýmes ; acorde est qe les viscuntes seýent mýs par le Tresorer e les Baruns del Escheker ausý come en Englefe e par eus seýent remuez e ne pas par autres e deuaunt eus seýent responsables de quaunt qe apent a lur offýce e les bayllýs qe respouent al

¹ Obliterated² So in original.

The same happens if a divorce having been lawfully pronounced, the judge who pronounced the divorce wishes to take cognisance about restoring movables. with marriage
and divorce

Let a case be shown and let the injured party complain. Reply. and let justice be done them.

Another reply by the King follows.

Let the Justiciar reply that he certainly means that the King. King in all times past had cognisance in such case in England and Ireland; for which reason he cannot do away with such, without the King. Wherefore, if anyone in this behalf [suffer] grievances, let him show them to the King, who will therein do justice, because the Justiciar cannot thrust out his lord from seisin.

21 EDWARD I. A.D. 1293.

EDWARD by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to his Treasurer and Barons of the Exchequer of Dublin, greeting: We send you certain ordinances enclosed in these presents, which we will to be observed in our land of Ireland, commanding you that you cause the said ordinances to be performed and observed according to their tenor in all their articles; and that this you in no wise neglect. Witness myself at Canterbury on the twelfth day of July in the twenty-first year of our reign.

These are the ordinances that the King has commanded to be performed and observed in his land of Ireland.

I. Concerning sheriffs and other bailiffs who have often been appointed by the great seal of England, on which account they have been less obedient to the Exchequer of Ireland, and also concerning those who are appointed by the Justiciar himself, it is agreed that the sheriffs be appointed by the Treasurer and the Barons of the Exchequer, so as in England, and be by them removed and not by others, and be answerable before them for Appointment
of sheriffs and
bailiffs.

Escheker par lur mayn demeyne, seýent mýs par ceus del Escheker. E ceus qe sunt repunables as viscuntes, seýent mýs par les viscuntes. E seýt charge checun viscunte par sun serment, qaunt il fra le serment qil mette tieus pur q̃s il vodra respoundre aussý come en Englefre, e ne pur qaunt seýent les viscuntes entendaunz as maundemenz la Justice e qaunt qe a luý apent.

Des teres tenues en chef du Reý qe sunt aloingnees saunz conge le Reý dount ceus de Irlaunde dyunt qil pount bien fere e tous Jours le vnt fet ; acorde est qe taunt tost come eles sunt alýenez, seýent prýses en la mayn le Reý par le Eschetur ausý come en Engleterre e issi demeorgent taunt qil eyent fet gre le Reý. E eyent la Justice le Tresorer e le Conseýl ioýntement poer de prendre tels manere de fýns. E desoremes ne eýt nul poer de feffer autre de tere qe est tenue en chef du Reý, for a tenýr du Reý en chef e ce par conge du Reý ou de la Justice, si il ne seýt en tere de gerre ou de marche e la eyent bien poer les seýgnurs qe tenýt del Reý a feffer autres a tenýr de eus pur defendre la terre a prou de eus e al ences de la seýgnurye le Reý e de sa pes. E qe tel poer eyent les seýgnurs en ce dreýn cas de fere feffemenz taunt qe le Reý emparle autre fiez ou taunt qil le vnyle repeler Issi neqedent qe les feffemenz qe auerunt este fez auaunt ce repel estoýsent, e seýent fermes e estables.

Acordo est qe nul Seneschal de ffraunchýse seýt Justice de Eyre ne de Bank ou aylours ou fraunchises deýuent estre trýez.

Del Quinzyme de Irlaunde seýt fet solume la fourme qil ount ylleques e sicome fu fet en Engleterre e les despenses des Taxurs e des Cuyllurs seýent en la descresiun del Tresorer e des Baruns del Eschekere de Irlaunde ausý come en Engleterre.

whatever appertains to their office, and that the bailiffs who answer to the Exchequer by their own hand be appointed by those of the Exchequer, and those who are answerable to the sheriffs be appointed by the sheriffs; and that each sheriff be charged by his oath when he shall take the oath that he appoint such persons as he will be answerable for, so as in England, and that nevertheless the sheriffs be intente to the commands of the Justiciar and as much as to him appertains.

II. Concerning the lands held in chief of the King, Lands held of the King in chief : which are alienated without licence of the King, alienation without licence. as to which those of Ireland say that they have full power to do, and always have done so, it is agreed that as soon as they are alienated, they be taken into the hand of the King by the Escheator, so as in England, and so remain until they have made satisfaction to the King; and that the Justiciar, the Treasurer, and the Council jointly have power to take such kind of fines; and that henceforth Feoffments. none have power to enfeoff another of land which is held in chief of the King, save to hold of the King in chief, and that by leave of the King or of the Justiciar, if it be not in land of war or in the marches, and that there the lords that hold of the King have full power to enfeoff others to hold of them for the defence of the land, to their profit and to the increase of the lordship of the King and of his peace; and that the lords have such power in this last case to make feoffments, until the King advises at another time or until he wish to recall it. So nevertheless that the feoffments which have been made before this recall, shall be and are firm and established.

III. It is agreed that no seneschal of a liberty be a Justice Itinerant or of the Bench, or elsewhere where franchises ought to be tried. No seneschal to be Justice where franchises to be tried.

IV. Concerning the "Fifteenth" in Ireland, let it be done according to the form that they have there, and as was done in England, and the expenses of the Taxers and of the Collectors be in the discretion of the Treasurer and of the Barons of the Exchequer of Ireland, so as in England. Collection of the "Fifteenth."

E aussy vent le Rey qe les teres le Rey e les Curz qe sunt baylles a ferme a tenyr a la volunte le Rey pur meyns qe la dreyte value seynt reprys en la mayn le Rey e baylles a certeyne gens qe respoynent pur la verreye value ausy come le Tresorer verra qe meuz seyt a fere al prou le Rey.

E ueut le Rey qe les fez des Justices e autre mýnystres le Rey en Irlaunde les quels fez il soleynt prendre al comencement del terme pur le terme qe fust auenyr qe Justices et tous les autres qe fe pernunt seynt pæz de lur fez a la fyn de chescun terme aussy come il est fet en Engleterre.

25 EDWARD I. A.D. 1297.

[THE BLACK BOOK OF CHRIST CHURCH, DUBLIN, fol. 6-S.]¹

De consilio Hibnie p magnatos totius illius insule.

p divisione
comitatum
& meliori
regimine
regni.

JUSTICIARIUS hic de cōi consilio dñi Reḡ in hac tra
ad pacē firmitus stabiliend ordinavit & statuit genale
pliamētū hic ad hūc diē. Et mādatū fuit Archiep̄is, Ep̄is,
Abbatibz, & P̄oribz quoz p̄sencia videt̄ ad hoc ēē necessaria,
n̄nō & Comitibz Baronibz & aliis optimatibz fr̄e hui⁹ videlicz
unicuique eoz p se qd ēent hic ad hūc diē ēē. Et nichomin⁹
p̄ceptū fuit vicecomitibz Dubliñ, Loueth, Kyldař, Wafford,
Typerary, Cork, Lyfmyk, kerř, Connaç, & Roskoman, n̄nō &
Senescalt libertatū Mydye, Weyseford, katherlagh, kylkeñy, &

¹ The entry in the Black Book is without date. William Lynch, in his *Legal Institutions, &c., in Ireland*, and others, attribute this parliament to the 23rd year of K. Edward I., while Sir William Betham, in his *Early Parliaments of Ireland*, adduces evidence of its having been held in 1297, in the 25th year of that King's reign. Betham noticed that in the record itself, Richard Taff and William de Hacche appear as Sheriffs of Dublin and Louth, respectively, and, on search, he found them accounting as such in the Great Roll of the Pipe for that year.

The statute enacts that the Liberty of Kildare shall be a county in itself, with sheriff, &c.; and a Justiciary Roll, 25 Edward I., confirms Betham's dating of the enactment. From an entry at m. 19 of this Roll, wherein are recorded Common Pleas held before John Wogan, Chief Justiciar, on 5th May, 1297, it appears that in a certain case the seneschal of the

V. And also the King wills that the lands of the King ^{Resumption,} and the courts, which are let to farm, to hold at the will of ^{and reletting} the King, for less than the right value, be resumed into the ^{lands.} hand of the King, and let to certain persons who shall answer for the true value, so as the Treasurer shall see what is best to be done for the profit of the King.

VI. And the King wills that the fees of the Justices and ^{Fees of} other ministers of the King in Ireland, which fees they are ^{Justices, &c.,} accustomed to take at the beginning of the term for the ^{payable at} term to come—that Justices and all the others who take ^{end of each} fees be paid their fees at the end of each term, so as it is ^{term.} done in England.

25 EDWARD I. A.D. 1297.

OF the Council of Ireland by the magnates of all that island.

The Justiciar here, with the common council of the lord ^{For division} the King in this land, in order to establish peace more ^{of counties} firmly, ordained and appointed a general parliament here ^{and better} at this day. And it was commanded to the Archbishops, ^{rule of the} Bishops, Abbots, and Priors, whose presence seems to be ^{realm.} hereunto necessary, also to the Earls, Barons, and other chief persons of this land, to wit, to each of them severally, that they should be here at this day, &c. And likewise it was commanded to the sheriffs of Dublin, Louth, Kildare, Waterford, Tipperary, Cork, Limerick, Kerry, Connaught, and Roscommon, and also to the seneschals of the liberties of Meath, Wexford, Carlow, Kilkenny, and Ulster,

Liberty of Kildare had, some little time before, failed in acting on a writ, and the record goes on to say that because a sheriff is newly created there, in place of a seneschal, the sheriff is directed to distrain the parties. This entry tends to prove that the parliament which enacted this statute sat in the early part of 1297.

The text of the above will be found printed in the *Miscellany, Irish Archaeological Society*. 1846, p. 15, and Betham has a translation at p. 262 of his work, above cited.

vlton, qđ unusq̃sq, eoꝝ p se videlicꝫ vicecomes in pleno Comitatu suo ⁊ Senescallus in plena Cur^a sua libtatis seu p assensū Comitatus sui seu libtatis eligi fac̃et duos de pbioribꝫ ⁊ discrecoribꝫ militibꝫ de singul Comitatribꝫ ⁊ libtatibꝫ, qđ hic nūc infessent plenā potestatem habentes de tota cōitate Comitai ⁊ libtatis ⁊c, ad faciend ⁊ recipiend ⁊c, ⁊ qđ quilibꝫ vicecomes ⁊ Senescallus fuissēt hic in pp̃is psonis ⁊c. Et Thom̃ Mydenš, Nichs Leglinenš, ⁊c Ep̃i, ⁊ Ricardus de Burgo Comes vltonye modo venit, ⁊ similif Ricard^o Taff vič Dublinye, Wilts de hacche, vič Loueth, ⁊c, Wal^o Trouman seneschalus de Trym ⁊c, simiŕt veniūt, ⁊ brevia sua retornata, ⁊ Wal^os de la Haye ⁊ Eustacius le Poer electi p cōitatē libtai Kykenū Jeorgius de Rupe electus p cōitatē Comitatus Lyfŕyk, ⁊c -veŕūt. Et Nicholaus Ardmacadenš Archiep̃s ⁊ celⁱ absenciam suā excusantes miserūt hic pcuratores seu attornatos suos, videlicꝫ βdcs Archiep̃s I. ⁊ N. ⁊c, set Wilts Archiep̃s Tuamenš ⁊c, nō veŕ. Et similif Hugo de Leiš un^o electoꝝ p Comit^o de Lyfŕyk, ⁊c nō veŕūt. Ideo ip̃i in m̃ia. Et in βsencia βdcoꝝ Ep̃oꝝ Mydenš, Leglinenš, ⁊ Comit^o ⁊ Baronū ⁊ alioꝝ optimatū hic cōpenciū de cōi consilio dñi Reg̃ in hac fra fce fūūt quedā pvisiones, ⁊ vnanimif *ab oībus* concordate ⁊ concesses saluo Jure dñi Reg̃ ⁊c.

In p̃mis quia visū est qđ Comitāt^o Dubliñ nimis est confus^o ⁊ ptes eius nimis ab inuicē remote ⁊ dispse, v^opote vltonia ⁊ Mydia, ⁊ postmodū Lagenya cū valle Dubliñ ⁊c, p quod min^o cōpeñf deseruit^r dño Regi in βceptis suis, ⁊ Curie sue, n^onō ⁊ pp̃is suis min^o sufficien^t regit^r siue gubernat^r. Concordatū est qđ de celo sit qđā vicecomes in vltonya tam de Croceys vltonye q^m ad faciend execuōnes in libtate vltonye cū

that each of them by himself, to wit, the sheriff in his full county court, and the seneschal in his full court of the liberty, by the assent of his county or liberty, should cause to be elected two of the most honest and discreet knights of the several counties and liberties, that they should now be present here, having full power from the whole community of the county and liberty, &c., to do and to receive, &c., that each sheriff and seneschal should be here in their proper persons, &c. And Thomas bishop of Meath, Nicholas bishop of Leighlin, &c., and Richard de Burgo earl of Ulster, now come, and in like manner Richard Taff sheriff of Dublin, William de Hacche sheriff of Louth, &c., Walter Trouman seneschal of Trim, &c., likewise come, and their writs returned, and Walter de la Haye and Eustace le Poer, elected by the community of the liberty of Kilkenny, George de Rupe, elected by the community of the county of Limerick, &c., came. And Nicholas archbishop of Armagh and the others, excusing their absence, sent here their proctors or attorneys, to wit, the said Archbishop I. and N., &c., but William archbishop of Tuam, &c., came not. And in like manner Hugh de Leis, one of those elected by the county of Limerick, &c., came not. Therefore they in mercy. And in presence of the aforesaid Bishops of Meath and Leighlin and the Earl and Barons, and other chief persons here appearing of the common council of the lord the King in this land, certain provisions were made and by all unanimously agreed to and granted, saving the right of the lord the King, &c.

I. Firstly, whereas it is seen that the county of Dublin is too much scattered, and the parts thereof too far removed from each other and dispersed, as well Ulster and Meath, and then Leinster with the vale of Dublin, &c., whereby it less competently obeys the lord the King in his precepts and those of his court, and also his people is less adequately ruled or governed. It is agreed that henceforward there be a sheriff in Ulster, as well
 of the crosses of Ulster, as to carry out executions
 in the liberty of Ulster, when default is found in the
 Sheriff in
 Ulster.

defectus inueniat^r in Senescall^r βdce libtatis, & qđ vicecomⁿ Dublin^m am^o se nō int^omittat in vlt^otonya. Concordatū est eciā qđ Mydya sit un^o Comit^o p se, tam videlic^z fra libtatis de Trym q^m fra Teobaldy de Verdon, & omnes fre Crocearū inf^a p^oinctū Mydye existētes, & qđ de ce^o sit ibi ctus vicecomes & Comit^o suū teneat apđ kenles quolibet die Jouis post Comit^o Dublin^m & ipse execu^ones faciet in βdca libtate de Trym cū defectus inueniat^r &c. Et βdcs Teobaldus de Verdon p se & Almarico de sco Amando tenēte suo & eo^z heredib^z concessit, qđ ipi de cetero faciēt sectā ad βdcm Comit^o Mydie p sic qđ absoluant^r a sectis q^s debnt ad Comit^o Dublin^m, & eis cōcedit^r. Comitatus etiā kylda^r qⁱ quondā fuit libertas intendens Comit^o Dublin^m sit de ce^o Comit^o p se una cū fris Croceis & aliis fris p^oicipū dñici lageñ inf^a p^oinctū eiusdm cōtentis a iurisdic^one vicecomitis Dublin^m totalit^r absolut^r. Et sit ibi vicecomes sicut nūc est &c.

Itē quia quidā magnates & alii qⁱ q^asdā fras hnt in Marchiis ppe hybⁿicos & alias fras in fra pacis manēt, & morant^r in maffiis suis in fra pacis fris suis in Marchiis relictis vastis, & incultis, & sñ custodia & felones hybⁿici p mediū hui^omodi frarū vastarū in Marchiis suis t^anseunt^r libe p^anseūt ad p^op^ot^ond roberias, homicidia, et alia mala s^r anglicos & p eas redeūt sñ arresta^one, clamore, v^t impedim^oto, p quod q^aplures Marchie v^t ōnino destruūt^r, au^t p maiori pte ruinosae sūt Anglici inhabi^tates & felonibus obediūt : ut q^asi in exiliū effugant^r. Concordatū est qđ teñtes hui^omodi cui^ocūq, fñint auctoritatis seu condi^oonis apponāt & heant Wardas in fris suis in Marchia

seneschal of the aforesaid liberty, and that the sheriff of Dublin intermeddle not henceforth in Ulster. It is also agreed that Meath be a county by itself, to wit, as well the land of the liberty of Trim as the land of Theobald de Verdon, and all the lands of the crosses being within the precinct of Meath, and that there be henceforth a sheriff there, and that he hold his county court at Kells on each Thursday after the county court of Dublin, and he shall make executions in the aforesaid liberty of Trim when default is found, &c. And the aforesaid Theobald de Verdon, for himself and Almaric de Saint Amand his tenant and their heirs, granted that they will henceforth do suit at the said county court of Meath aforesaid, so that they be absolved from the suits which they owe at the county court of Dublin, and it is granted unto them. Moreover that the county of Kildare, which was formerly a liberty intente to the county of Dublin, be henceforth a county by itself, together with the Cross lands and other lands of the parceners of the lordship of Leinster, contained within the precinct of the same, totally discharged from the jurisdiction of the sheriff of Dublin. And that a sheriff be there as now is, &c.

Meath to be a county with sheriff.

Kildare a county with sheriff.

II. Likewise whereas some great persons and others who have divers lands in the marches near the Irish, and other lands in a land of peace, remain and dwell in their manors in a land of peace, their lands in the marches being left waste and uncultivated and without a guard; and Irish felons by means of such waste lands in their marches, pass freely through to perpetrate robberies, homicides, and other mischiefs upon the English, and return through them without arrest, hue-and-cry, or hindrance; whereby very many marches are either altogether destroyed or are for the greater part ruinous, and the English inhabitants either obey felons or are driven as it were into exile. It is agreed that tenants of this kind, of whatever authority or condition they be, place and have wards in their lands in the march, according to the quantity of those lands, lest

Marches to be guarded.

iux^a q^antitatē frarū illarū ne malefactores pt^anseāt p^a fras illas inpunes, ut nō psecuti, ⁊ quociens necesse fuit teñtes hui⁹modi ad hoc distīgant^r p^a capcōnē frarū illarū in manū dñi Reġ, ⁊ modis aliis qⁱb³ Cur^a dñi Reġ meli⁹ videbit^r expedire.

C. Freġnt^r ecia⁹ accidit qđ felones evadūt cū prediis suis aliq^ando captis in tra pacis p^a eo qđ compatiote nō hnt equos ad arma ad inseġnd^r eos sicut expediret. Q^app^l concordatū est ⁊ concessū, qđ quilib³ tenēs xx libratas fre siue in marchia siue in tra pacis cui⁹cūque fuit cōdi⁹cōnis habeat vnū Equū compeīn^l cooptū, una cū cel^lis armis q̄ ad hoc ptiūt cōtinue pūptū in sua mansione. Alii autē teñtes heant hobinos ⁊ alios Equos discooptos iux^a suas facultates. Et quociens def⁹cs repiat^r in aliq^o distīgat^r deficiens ⁊ puniat^r scđm arbit^u Justic⁹, vi⁹ ⁊ seū. Magnates ecia⁹ ⁊ alii qⁱ morant^r in anglia ut alibi ex^a tra istā qui pficia fre sue t^ansf⁹ri fecūt ad eos ab hac tra ⁊ nich⁹ hic dimittētes ad saluand^r teneñta sua seu teñtes eorūdē de cefo pmittāt porcōnem cōpetētē remanē, salti in manibus balliuo⁹ suo⁹ p^a q^am fre sue pp^le cōpent^l saluari poterint ⁊ defendi si guerrā seu pacis p^rbacionē p^a aliq^os contig⁹it ibi suscitari. Et ad hoc faciend^r cū op⁹ fuit p^a vicecōm siue senescallū efficacit^r distīgant^r.

C. Freġnt^r ecia⁹ euadunt felones cū p^rdis suis p^a eo qđ cōpatiote simul cū eis nō insurgūt s³ quidā eo⁹ q^asi qgandētes dāpno. ⁊ ruine vicini sui quo iuste dolere debent se simulāt ⁊ tabescūt pmittētes felones hī⁹ cū p^rdis suis indēpnes t^ansire. Q^amobrē

malefactors pass through those lands unpunished or not pursued, and as often as it shall be necessary, tenants of this kind may be distrained thereunto, by taking their lands into the hand of the lord the King, and by other methods which the court of the lord the King shall see most expedient.

III. Frequently also it happens that felons escape with their booty, sometimes taken in a land of peace, because the country people have not armed horse to pursue them as would be expedient. Wherefore it is agreed and granted that every tenant holding xx. librates of land, whether in the march or in land of peace, of whatsoever condition he be, have a horse suitably caparisoned, together with the other arms which hereunto pertain, constantly ready in his dwelling. And that other tenants have hobbies and other horses unarmed according to their abilities. And as often as default shall be found in any one, that the defaulter be distrained and punished, according to the discretion of the Justice, sheriff, and seneschal. The magnates also and others who reside in England or elsewhere out of this land, who cause the profits of their land to be transmitted to them from this land, leaving nothing here to protect their tenements or the tenants thereof, shall from henceforth permit a competent portion to remain at least in the hands of their bailiffs, whereby their own lands may be sufficiently saved and defended, if it happen that war or disturbance of peace should be excited there by any persons. And that when it shall be necessary they shall be effectually distrained by the sheriff or the seneschal to do this.

Certain tenants to have horses with arms, &c., ready.

Residents out of the land to contribute for its defence.

IV. Frequently also felons escape with their spoils, by reason that the country people do not rise together with them [those plundered], but some of them, as if exulting in the damage and ruin of their neighbour, at which they ought justly to grieve, feign and conceal themselves, permitting such felons to pass unhurt with their spoils.

cōcordatū est ⁊ concessū, qđ cū latrones seu robatores vēfint in aliq^m pat^{ia} ad capiēd^u βdas v^t aliud malū faciend^u oīms cōpatⁱote q^a cici⁹ ad noticiā suā po^{ss}it aduent⁹ illorū deuenire simul insurgāt, ⁊ illos inseq^unt⁹ cū effectū. Qⁱcūq^{ue} v^o cōpatⁱotarū illo^{rum} cōuinci po^{ss}it qđ in insurgēdo vel in illos inseq^undo n^ogligēs fūit ut remissus erga dominū Regē g^{ra}ui⁹ puniat⁹, ⁊ leso ptē rei p^{ro}diite restituat iux^a culpā n^oligēcie sue ut remissionis, ⁊ scđm diac^oconē Justi^{ci} ad hui⁹modi q^{ue}relā audiendā assignati.

C. Quia eciā comūitas f^{re} huius multū hacten⁹ g^{ra}uata fuit p^{er} ex^{er}cit⁹ quos magnates duxerūt sine Warāto p^{er} mediū f^{re} pacis ⁊ Marchiarū v^t guerra nō fuit. Cōcordatū est ⁊ cōcessū qđ nulli licebit de cetero ex^{er}citū dūce ex^a f^{ra} suā nⁱ s^ur hoc licēciā a Capi^{te} Justi^{ci} ut mādātū hūit spāle, ⁊ tūc oīms quotq^{ue} duxit p^{ro}ci^{pi}et vadia sua de suo ductore, uñ ra^oconabili⁹ po^{ss}int in suo Iti^{ne} sustētari. Qⁱ autē huic ordina^oni cont^{ra}ue^{ss}it erga dñm Regē g^{ra}ui⁹ puniat⁹, ⁊ lesis dāpna restituat, taxanda p^{er} visnetū cōpetentē.

C. Fuit eciā eadē Cōmunitas multociēs g^{ra}uata p^{er} magnates ⁊ alios habētes kaernias viuētes cōtinne sūptib⁹ alienis tā in Marchiis q^{uā} in f^{ra} pacis p^{er} quod p^{ro}p^{ri}is vehem⁹ est⁹ depaupat⁹ s^ur q^{uo} cōcordatū est ⁊ cōcessū qđ nullus de ce^{lo} cui⁹cūque fūit auctori^{ta}tis v^t cōdi^onis teneat kaernias seu hōies ociosos plures aut alios q^{uā}m i^{ps}emet po^{ss}it ⁊ volūit de suo p^{ro}p^{ri}o sustīne, n^o aliq^{ui}s hui⁹ hominū ocioso^{rum} aliq^{ui}d de ce^{lo} capiat ab aliq^{uo} vicino dñi sui aut alio q^{uā} volūtate donatoris nō coactā, qđ si fiat de ce^{lo} ille

Wherefore it is agreed and granted that when thieves or robbers shall come into any country to take spoils or to do any other mischief, all the country people, as soon as their approach can come to their knowledge, rise together and effectually pursue them. And whosoever of those country people can be convicted of having been negligent or remiss in rising or in pursuing them shall be heavily punished towards the lord the King, and shall restore to the injured party a proportion of the property lost, according to the criminality of his negligence or remissness, and according to the discretion of the Justice assigned to hear such complaint.

Country
people to
pursue
robbers, &c.

Penalty.

V. Because also the commonalty of this land was hitherto much aggrieved by armies, which great men have led without warrant through the midst of a land of peace and of marches where there was no war. It is agreed and granted that from henceforth it shall not be lawful to anyone to lead an army out of his own land, unless he shall have had a licence for this from the Chief Justiciar, or a special mandate, and then all, as many as he shall have led, shall receive their wages from their leader, that they may be reasonably supported on their expedition. And he who shall contravene this ordinance shall be heavily punished towards the lord the King, and restore to the injured their damages to be assessed by a competent [jury of] the neighbourhood.

No army to
be led
through land
of peace
without
licence.

VI. The same commonalty has also on many occasions been aggrieved by magnates and others having kernes, continually living at other people's expense, as well in the marches as in land of peace, whereby the people is excessively impoverished. Whereupon it is agreed and granted that no person henceforward, of whatsoever authority or condition he be, keep kernes or idle men more or other than he himself can and will, out of his own resources, support; nor shall any of such idle men henceforth take anything from any neighbour of his lord or other, against the unconstrained will of the giver; which if it be done henceforward, he who shall have kept such idle men

No one to
keep more
kernes or
idle men than
he can
support.

qⁱ hui⁹ ociosos tenſit g^auiſ⁹ puniat^r p^r Juſtiſ vicecomitē & ſeneſcallū, & leſis dāpna reſtituat, & oſoſus ille capiat^r & imp^rſonet^r quouſq⁹ g^ram a Cur^a dⁿi Regⁱ mⁱſit optiſſe n^o ſā pleuina q^d bⁿ ſe geret in poſſū dimittatur a p^rſona.

C. Freqⁿt^r ecia⁹ felones hybⁿici ad ſcelera ppetranda forcores ſūt effi^t p^r hoc q^d cū ad guerrā fūint ut aliq^m intēdūt deſtruere p^rq^rrūt trebas ſeu treugas per quosdam anglicos de vicinis ſuis ſi dari p^r etū temp⁹ ut integrius & ſecuri⁹ vacare poſſint ad alios vicinos ſuos deſtruēdos, q^os cū deſtru^rint ſepe cōtingit q^d iidem hybⁿici eoſd^m quos p^rius amicos ēe ſi ſimilarūt inf^a temp⁹ t^ebe ſeu treuge p^rſequent^r, forceletta eo^r & maſſia deſtruūt & cōburūt. Et ne hui⁹ piculū eueniat de celo, Cōcordatū eſt & cōceſſū q^d nulli licebit de celo h^re ut teſe trebas ſeu treugas cū hybⁿicis ad guerrā, ut extra pacē exiſtentib⁹, niſi treba illa ſeu treuga ſit uniūſat et equal^r ūſus omⁿes, nullo fidelīū excepto ut relicto. Qⁱ aut^r a^r trebā ſeu treugā cepit ut cōceſſerit hybⁿicis ex^a pacē exiſtentib⁹ puniat^r erga dⁿm Regē tanq^a p^riceps maleſti hui⁹modi hybⁿico^r & leſo ptē rei p^rdite reſtituat ſicut ſupius d^cm eſt de cōpat^rota cū vicino ſuo ſr felonē inſurgere nō volēte.

C. Freqⁿt^r ecia⁹ hybⁿici ad guerrā cōcitant^r p^r hoc q^d cū ad pacē ſint ut trebā ſeu t^rugā h^rint geſſalē p^r etū tēp⁹ ut tuiſco pacis p^r Cur^am dⁿi Regⁱ eis cocessa fūit, qⁱdā cupiditate ducti qⁱdā v^o vindicte ēa ut inuidie ſeu namii capiēdi inſidiātes eis ſubito ut noctan^r ruūt in eos ſras eo^r it^ant p^rdas rapiūt, ut eo^r adia aut

shall be heavily punished by the Justice, sheriff and senechal, and indemnify the injured, and that such idle man be taken and imprisoned until he shall have deserved to obtain grace from the court of the lord the King; nor shall he be discharged from prison without bail for his good behaviour in future.

VII. Frequently also Irish felons are better enabled to perpetrate crimes by this means, namely, that when they happen to be at war, or intend to destroy any person, they demand truces or armistices to be given to them by some of the English of their neighbours for a certain time, that they may be more completely and securely at leisure to destroy their other neighbours, whom, when they have destroyed, it often happens that the same Irishmen within the time of the truce or armistice attack those whose friends they had before pretended to be, and destroy and burn their forcelets and manors. Therefore lest such a danger occur hereafter, it is agreed and granted that it shall not be lawful to any person henceforth to have or to hold truces or armistices with the Irish, being at war or out of the peace, unless that truce or armistice be universal and equal towards all, none of the lieges being excepted or left out; and that he who otherwise shall have taken or granted a truce or armistice to Irishmen being out of the peace, shall be punished towards the lord the King as a partaker of the guilt of such Irishmen, and shall restore to the injured party a proportion of the property lost, as is above said of a countryman not willing to rise with his neighbour against a felon.

All truces
with Irish at
war to be
universal.

VIII. Frequently also the Irish are stirred up to war hereby, that when they are at peace or have had a general truce or armistice for a certain time, or tuition of the peace has been granted to them by the Court of the lord the King, some led by covetousness, others from motives of revenge, envy, or of taking pledges, lying in wait for them, rush suddenly or by night upon them, enter their lands, carry off spoils or take and lead away their cattle or the men

hofes nich mali salti tpe illo medio usus aliqm ppetantes in Marchiis suis inuētos capiūt ⁊ abducūt, p quod hybñici illi cū leues sūt aīo statī ad guerrā psiliūt, ⁊ vī pat'a debilior ēe creditr, ibi depdant tā illos qī in nullo pticipes fflūt t'nsgressionis eis fce nō inde ciuerunt aut ad hoc cōsenserūt q'm amicos ⁊ affines hui' t'nsgressoz p quod pat'e locis pluribus deuastant, ⁊ eo cici' quia raro accidit qd hui' t'nsgressores se fidelip int'mittāt ad pacē marchiarū sustētandā. Et ad malū hui' vitand, decepto cōcordatū est ⁊ cōcessū q nulli licebit in futurū q'scūq, hybñicos ad pacē existētes ut habētes ctā t'bā seu treugā durāte tpe trebe seu t'uge, vī durāte tpe tuiçonis pacis eis qcesse dūm hybñici illi pacē tenfūt tpe illo iuad'e, seu insultare q'cūq, de cā vī colore, nō aliqd ab eis rape seu cape cont' volūtate eoz nō coactā, q si quis q'venire psūperit g'uit erga dnm Regē puniat, tanq' pacis sue pt'hator, ⁊ nicho' hybñicis sic lesis dāpna restituat taxanda p visnetū cōpetētē.

C. Freqn' ecia accidit qd cū hybñici se dederint ad guerrand ex arrupto uel inquiso Capit Justic tūc in ptibz remotis agēte pauci uel nulli repiūtur qī resistāt ⁊ eoz malefca repināt ut pturbēt p q sepius fre marchiarū q'm plurimū deuastant. Ad quod piculū vitand inpt'terū cōcordatū est ⁊ cōcessū qd q'm cici' hybñici p homicidia ut incēdia seu p'das capiēdo se posūnt ad guerrand oīs degētes in Comitatu seu libtate vī hybñici illi sūt morātes, ⁊ ecia vicini sui de cōfinio Marchiarū suarū cōcordip ⁊ insimul insurgāt in hybñicos, ⁊ eis guerrā manuteneāt sūptibz suis pp'is q'usq, hybñici illi ad pacē se reddidint vel trebas seu treugas optinūt a magnatibz fre illius ad hoc

found in their marches, who at least in the meantime are committing no mischief against any person; whereby those Irish, as they are excitable, rush instantly to war, and wherever the country is believed to be weakest, there they plunder, as well those who were in nothing partakers of the wrong done them, nor did they know thereof or consent to it, as the friends and kin of such transgressors, whereby the countries are devastated in many places and so much the sooner, because it rarely happens that such transgressors interfere loyally to support the peace of the marches. Therefore to avoid such mischief hereafter, it is agreed and granted that it shall not be lawful to any person in future for any cause or pretence to invade or attack any Irishmen being at peace, or having a fixed truce or armistice, during the time of the truce or armistice or during the time of the tuition of the peace granted to them, provided those Irishmen shall have kept the peace during such time, nor to seize or take anything from them against their unconstrained will; which if any person shall presume to contravene, he shall be heavily punished towards the lord the King as a disturber of his peace, and shall also restore to the Irish so injured, their damages to be assessed by a competent [jury of] the neighbourhood.

No Irishman
at peace or in
truce to be
attacked.

IX. Frequently also it happens that when the Irish have betaken themselves suddenly or unexpectedly to war, the Chief Justiciar acting then in remote parts, few or none are found who can resist and repress or interrupt their ravages; whereby the lands of the marches are very often extensively devastated. To obviate which danger in future, it is agreed and granted that as soon as the Irish by homicides or burnings or plunderings shall have set themselves to war, all persons dwelling in the county or liberty where those Irish are remaining, and also their neighbours on the confine of their marches, shall with one accord and jointly rise upon the Irish and maintain war upon them at their own expense, until those Irishmen shall have rendered themselves to peace or obtained truces or armistices from the magnates of that land, hereunto deputed, or the Chief

Dwellers in a
country when
attacked to
rise.

deputatis, vñ qđ Capital Justiciari' aliud inde dufit ordinand. Huic ecia ordinaçoni nō obediēs p Justiç, vicecom, seu senescallū dstringat', & p rebellionē sua puniat' p deflitis culpe sue.

C. Hybnici ecia de densitate boscoꝝ & pfunditate morarū adjacēsiū confidētes assūunt audaciā cicius delinqđdi maxime cū via regia locis q̄mplurimis spissitudine bosci utoci' crescentis iā sūt indensate & obtruse qđ vix aliq's ē pedest' p eas pofit t̄nsire p quod cū Hybnici post malefca sua reitentes ad hoscū huiusmodi ut morā possint ptinge licet cōpatiote cōmunif vellent eos inseq' & eos inseq̄ntur euadūt sepi' sñ d̄pno v' si pafet accessus, ab eis q' eos inseq̄nt' forent dep̄hensi. Sup q° ordinatū est & cōcessū qđ dñi boscoꝝ p mediū quoꝝ via regia fuit ab antiq° vna cū teñtibꝫ suis passus v via regia fore debꝫ basso ppe f̄rā & saī large sūptibꝫ suis & teñciū suoꝝ scindi faciāt & colpari, adeo qđ via pateat satis larga & a spinis & arboribus tā stantibꝫ q̄m jacētibꝫ totalif emūdet'. Si v° dñs & teñtes sui de loco v' passus colpandus fūit suff're ñ pofūt sñ magno d̄pno custagia ad hui' modi colpaçonem neçca tūc dñs Rex vñ Capit Justiciarius h̄re faciāt eis auxiliū de tota pat'ia adjacēte. Et si dñs ille cū teñtibꝫ suis s° fāde n'glexit p vicecom dstringat' ad hoc faciend, vel Capit Justiç illud fieri faciāt sūptibꝫ eoꝝ, & nichomin' erga dñm Regē g'uiif puniant'. Pōtes ecia & Calceta repent' in locis suis sicut ēe debent & solent & v' disrupta & cōfracta fūint siue pōtes siue Calceta, & ille q' ea repare tenet' non sufficiat ad tāta custagia pat'ie

Justiciar shall have determined to order anything else therein. And that he who is not obedient to this ordinance shall also by the Justice, sheriff or seneschal be distrained and punished for his rebellion according to the deserts of his crime.

X. Likewise, the Irish confiding in the thickness of the woods and the depth of the adjacent bogs become more rapidly daring in doing mischief, especially when the King's highway in very many places is now so closed up and obstructed by the thickness of quickly growing wood, that scarcely any person, even on foot, can pass through them, whereby when the Irish returning after their misdeeds can reach a wood of this kind or a bog, although the country people in a body should wish to pursue them, and do pursue them, they often escape without hurt, whereas if access were open, they would be caught by those who pursue them. Whereupon it is ordained and granted that the lords of the woods through the midst whereof the King's highway anciently was, shall with their tenants cause passes, where the King's highway should be, to be cut and cleared low down, close to the ground, and sufficiently wide, at their own expense, and that of their tenants, so that a road of a sufficient width may be opened, and totally cleared from briars and trees as well standing as lying. But if the lord and his tenants of the place where the pass should be cut, cannot without great loss support the costs necessary for such cutting, then that the lord the King or the Chief Justiciar do cause them to have aid from the whole adjacent country. And if that lord with his tenants shall have neglected so to do, that he be distrained by the sheriff to do the same, or the Chief Justiciar may cause it to be done at their expense, and that they nevertheless be heavily punished towards the lord the King. That bridges also and causeways be repaired in their places as they ought and used to be, and where either bridges or causeways shall be broken and demolished, and he who is bound to repair them is not sufficient for such great expense, that

Ancient highways through woods to be preserved, passes cut and cleared.

Adjacent country to aid.

Bridges and causeways to be repaired.

ad quorū pfectū erūt releuata inueniēt cōiter ad ea releuand
 ⁊ releuata manuteneat ille qⁱ tenet^r, ⁊ nichomin^o cū facultas
 ei subffuit, reddat unicuiq^{ue} qd^{am} pceavit, Capit^u autē Justi^{ci} g^{ra}ui^{us}
 puniat quos huic ordinacōni q^{ui}rios inueffit u^t rebelles. Tota ecia
 comunitas lageⁿ q^{ue} quondā fuit vna libtas simul leuent simul
 q^{ui}buant simul guerram ūsus hyb^{er}nicos manuteneant vnanimi
 cōsilio ducant^r ⁊ q^{ui}dicētes ⁊ discordes g^{ra}ui^{us} puniāt^r.

C. Anglici ecia quasi degeffes modernis ipibus hyb^{er}nicalibz se
 induūt vestimētis, ⁊ habētes Capita semirasa capillos a ret^o
 capitis nut^uunt ⁊ allōgāt, ⁊ illos Culan vocāt hyb^{er}nici^s tā habitu
 q^{ui}m facie sese cōformātes p^{er} q^{ui} frēqn^{ter} accidit anglicos quosdā p^{er}
 hyb^{er}nici^s reputatos infici licz anglico^{rum} ⁊ hyb^{er}nico^{rum} occisio
 diūsos modos postulat puniēdi, ⁊ p^{er} occisionē hui^{us} inf^{er} q^{ui}m^ul^{ti}mos
 iimicie ma^{gis}ia geffat^r ⁊ rancoris. Affines q^{ui}3 tā occisoris q^{ui}
 occisi sepe p^{er}st^{er}nut^r al^{ter}nati velud inimici. Et eo circa
 cōcordatū est ⁊ concessū qd^{am} omⁿis anglici in hac p^{ar}te salti in
 Capite q^{ui} plus visui se p^{re}sentāt mores ⁊ tonsurā gerant anglico^{rum},
 n^{on} amplius p^{re}sumāt au^{tem} p^{er} comes in Colanū, quod si fecint Justi^{ci}
 vicecom^{itis} Senescallus libtatū d^{omi}ni ecia in quorū d^{omi}no anglici hui^{us}
 repiant^r, ⁊ eo^{rum} senescallus anglicos illos p^{er} p^{ar}as ⁊ Catalla sua,
 n^{on} ⁊ p^{er} aresta^{ti}onem corpis sui ⁊ imprisonmentū si necē fūit
 habitū hyb^{er}nica^{lem} salti in Capite seu Capit^u relinq^{ui}re distⁱⁿgāt, ⁊
 cōpellant, n^{on} amplius respōdeat^r anglico cap^{it}o habenti in forma
 hyb^{er}nici t^{ra}nsmutatū q^{ui}m hyb^{er}nico respondet^r si in casu cōsimili
 q^{ui}stus ēet.

the districts for whose benefit they shall be raised shall find means in common to rebuild them, and that when rebuilt he who is bound shall maintain them, and that nevertheless when ability shall serve him he shall restore to every person what he has paid. And that the Chief Justiciar Penalty. heavily punish those whom he shall find adverse or rebellious to this ordinance. Also that the whole community of Leinster, which formerly was one liberty, shall together levy, together contribute to, together maintain, war against the Irish, be led by a common counsel, and that the refractory and discordant be heavily punished.

XI. Englishmen also as degenerate in modern times, attire themselves in Irish garments and having their heads half shaven, grow and extend the hairs from the back of the head and call them *Culan*, conforming themselves to the Irish as well in garb as in countenance, whereby it frequently happens that some Englishmen reputed as Irishmen are slain, although the killing of Englishmen and of Irishmen requires different modes of punishment. And by such killing matter of enmity and rancour is generated amongst many. The kindred also, as well of the slayer as of the slain, are often by turns struck down as enemies. And therefore it is agreed and granted that all Englishmen in this land wear, at least in that part of the head which presents itself most to view, the mode and tonsure of Englishmen, nor longer presume to turn their hair in the *Culan*, which if they shall do, that the Justice, sheriff, seneschal of liberties, and also the lords in whose lordship such Englishmen may be found, and their seneschal distrain and compel those Englishmen by their lands and chattels, and also, if it shall be necessary, by arrest of their body and imprisonment, to relinquish the Irish dress at least in the head or hair, and that there be no further answer made to an Englishman having his head transformed in the fashion of an Irishman, than would be made to an Irishman if he should complain in the like case.

Englishmen
not to use
the *Culan*, or
dress as
Irishmen.
Penalty.

C. Assignent^r de celo in quolibz Comitatu & qualibz lihtate vⁱ hiñnici st inhabitātes duo magnates qⁱ cū Capitalis Justiciarius in remotis ptibz extiñit cū hyñnici pciū illarū ¹ad guerrā se poñtibz licite tractent p bono pacis, & si deposcat cōmunis vtilitas eis p aliq̄ curtum ipis spaciū treugā seu trebā sub bo^a securitate hinc inde facienda cōcedāt geñalē, & statī mādent Capitū Justiç quid agat^r šr hoc distincte & apte ut ipe Justiciari^o cōpeñs remediū šr hoc faciat ordinare².

27 EDWARD I. A.D. 1299.

[JUSTICIARY ROLL, 27 EDWARD I. m. 20.]

Placita Parleamenti apud Dublīn coram Joñe Wogan Capitū Justiç Hibñ & consilio Rege ec̄. a die Pasch in xv. dies anno r̄ R̄ E. xxvii^o. Wogan.

AD p̄cauendū dampno quod posset euenire p falsas monetas quas diñsi m̄catores ext^anei ducunt in hanc f̄ram de quibz quidem monetis aliq^a libra non valet ult^a quinq solidos s̄flinguoꝝ & aliq^a libra valet parū plus, et facte sunt huiusmodi monete apud ffaukemont & aliis diñsis locis in Alemannia ubi de ḡra Rege prius fuit pmissū qđ moneta que vocatur les Ballardz, & monete consimiles de quibz quett libra valet ad min^o decem & octo solidi currerent in^o monetam Rege vocatis coram Justiç hic & consilio ec̄ duobz de legalioribz Ciuibz & Burgensibz cuiustt Ciuitatis & Burgi ubi huiusmodi m̄catores applicant in hac f̄ra, electis ad hoc p Comitantes p̄dcoꝝ Ciuitatū & Burgoꝝ p p̄lcoꝝ Justiç & consiliū et de assensu p̄dcoꝝ Ciuiū & Burgeñ, concordatū est & puisū, qđ in quott portu, Ciuitate & Burgo, & feriis vbi huiusmodi m̄catores applicant &

¹ Blank in original.

² So in MS. for *ordinari*.

XII. That there be henceforth assigned in every county and every liberty where the Irish are inhabitants, two magnates, who when the Chief Justiciar happen to be in remote parts, when the Irish of those parts may lawfully treat for the good of peace with those placing themselves in a state of war; and if the common advantage demand, may grant them, for some short space of time, a general truce or armistice, under good security to be given hereupon, and shall immediately send to the Chief Justiciar what is done hereupon, distinctly and openly, that the Justiciar himself may cause a sufficient remedy to be ordained hereupon.

In absence of Justiciar, two magnates in each county to treat for peace.

27 EDWARD I. A.D. 1299.

PLEAS of Parliament at Dublin before John Wogan, Chief Justiciar of Ireland, and the Council of the King, in fifteen days from Easter in the 27th year of the reign of King Edward.

To provide against loss which may arise by false moneys which divers foreign merchants bring into this land, of which moneys any pound is not worth above five shillings sterling, and another pound worth little more, and such moneys are made at Faukemont and divers other places in Germany, where by the King's grace it was before permitted that money which is called the Ballards and like moneys, of which each pound is worth at least eighteen shillings, should run with the King's money; having called before the Justiciar here and the Council, &c., two of the most worthy citizens and burgesses of each city and burgh where such merchants arrive in this land, elected for this by the communities of the said cities and burghs. It is agreed and provided by the said Justiciar and Council, and with the assent of the said citizens and burgesses, that in each port, city and burgh, and fairs, where such merchants arrive and

Against false money and for regulation of the currency.

exceſcent, assignantur &te pſone legales ad hoc iurate ad ſcrutandũ & &chiandũ m̃catores quoscũq; tam in Naui q^a ext^a, ſi huiusmodi falſas monetas ferant uel habeant et moneta de qua habetur ſuſpicio mali, ſtatim aſſaietur p̃ dimidiam vnciam. Et ſi comptũ fũit qđ libra monete illius non valeat unam m^arcam uel amplius, tunc moneta illa que ſic falſa repietur areſtabit^r & ſaluo cuſtodietur p̃ ꝑd̃cōs ſcrutatores quouſq; p̃ conſiliũ Regē aliud inde huerint in mandatis, et in Sc^acio videbit^r ſi debeat Regi foriſſieri uel non. Monete vero quaꝝ vna libra valet vnā m^arcam vel vlt^a et etiam om̃es alie monete de argento modo ſparſe & diuulgate in hac ꝑra, niſi fiſſe vel fracte fũint vlt^a mediũ currant p̃ totam fram, quouſq; aliud inde fũit ordinatũ. Et q̃ fama cōm̃is eſt qđ m̃catores huiusmodi tulerũt & aſportauũt monetam dñi Regē & argentũ purũ ex^a hanc fram ad eſcambiendũ in ꝑtibꝫ alienis p̃ falſa moneta in has ꝑtes deſerenda; puiſũ eſt & ordinatũ qđ ꝑd̃c̃i ſcrutatores ſcrutent^r & cherchient naues, marinelloſ, m̃catores, & alioſ quoscũq; & non ꝑmittant monetam Regē, nec aliquod aliud argentũ purũ t^anſuehi ex^a hanc fram, ad aliquod eſcambiũ faciendũ, uel ad aliaſ m̃candiaſ exceſcendaſ ꝑf̃q^a ad rōnabileſ miſaſ marinelloꝝ illoꝝ & m̃catoꝝ et ſaluaſ magnatibꝫ alibi morantibꝫ exitibꝫ fraꝝ ſuaꝝ quaſ habent in hac ꝑra, ducendiſ uel mittendiſ ad eoſ ſcdm̃ quod inde p̃ conſiliũ R̃ hic fũit ordinatũ.

Postea in ſeptimana Pentecoſteſ, dñs Rex mandauit ſup hoc Juſtič hic h̃re ſuũ patenſ, ſicut patet iuferius in rotuliſ iſtiuſ ꝑmini &c.

Audita etiam querimonia Cōmitatũ diũſoꝝ Comitatuũ, de eo qđ famuli, carucarii, carectarii, trituratores & alii ſuientes ſui contempnũt ſuire de ſuiciis de quibꝫ ſuire ſolebant ꝑ fertilitate iſtantis anni vocatiſ de diũſiſ Comitatiꝫ, Militioꝝ & aliis ꝑbiſ & legalibꝫ hoĩmibꝫ, concordatũ eſt & puiſũ, qđ

occupy themselves, there be assigned certain lawful persons sworn for this purpose, to examine and search all merchants as well in ship as without, if they carry or have such false moneys, and money of which there is suspicion of badness, be forthwith assayed by the half ounce. And if it shall appear that the pound of that money be not worth one mark or more, then that money which is so found false be seized and safe kept by said searchers, until by the King's Council they shall be otherwise commanded about it, and it appear in the Exchequer if it ought to be forfeited to the King or not. Moneys however, of which one pound is worth one mark or more, and also all other moneys of silver now scattered and commonly used in this land, unless they be split or broken beyond the middle, shall be current through the whole land, until it shall be otherwise ordained therein. And because it is common fame that such merchants carry and bring away money of the lord the King and pure silver out of this land, to exchange in foreign parts for false money to be brought into these parts: it is provided and ordained that the said searchers examine and search ships, mariners, merchants and others whomsoever, and do not permit the King's money or any other pure silver to be carried out of this land to make any exchange, or to use other merchandise, except for reasonable expenses of the said mariners and merchants; and saving to magnates dwelling elsewhere the issues of their lands, which they have in this land, to be brought or sent to them, according as thereof shall be ordained by the King's Council here.

Persons assigned to search foreign merchants.

False money to be seized.

The King's money not to be carried away.

Afterward in the week of Pentecost, the lord the King directed his writ patent upon this to his Justiciar here, as appears below in the rolls of that term.

Also having heard a complaint of the communities of divers counties, for that servants, ploughmen, carters, threshers, and other their servants refuse to serve about the services for which they were accustomed to serve, on account of the fertility of the present year; there having been called from divers counties, the knights and other

Regulations as to servants and their wages.

huiusmodi ſuientes deſeruiant ſicut ſolebant ⁊ cū dñis ſuis ſtent, cū quibꝫ prius ſteſunt, ⁊ pcipiant libaċones ⁊ ſtipendia, ſicut aliis annis ſolebant, nec liceat alicui dño dare uel libare famulis ſuis maiores libaċones uel ampliora ſtipendia, q^a dari ſolebat in p̄riu, qua morant^r. Nec alicui liceat allopere ſeu teſſe ſuientē uel ancillam vicini ſui ſeu alſius ſine voluntate illius cū quo prius ſteſat, et qui cont^aueſſit alſi iſtaꝝ ordinaċonū, cadat in mīam dñi Regē ad min^o de dimidia m^arca q^m viċ loci ſtatim leuabit, ⁊ reſtituant n^omin^o leſis dampna ſua. Et vicecomites ſimili^r in balliuis ſuis tam infra libtatem q^m ext^a p̄munient huiusmodi ſuientes ⁊ ancillas cuiuſcūq, condiċonis qui nolūnt uel contempſerint ſuire cont^a p̄dċas puiſiones, qđ p p̄ſonam punient^r iux^a deſmita ⁊ omibꝫ modi[s]¹ aliis, quibꝫ p̄dċi vicecomites uiderint expedire. Et fiat inde pclamaċo, in quaſt villa m̄c[at]¹ feria ⁊c. Et hoc mandatū eſt tam vicecomitibꝫ q^m Senecaſſis libtātū ⁊c.

Inhibitū eſt etiam ſicut antiquit^o fieri conſueuit, qđ porci de ceſo non paſcant in Corraghto de Kildar, quod eſt com̄is paſtura ⁊c. in ſolo dñi Regē. Et viċ puniat illos, qui porcos ſuos fugent uel hēant ibi fodientes uel paſcentes, prius p mīam, ⁊ poſtea p amiſſōm porcoꝝ illoꝝ ⁊ g^auius ſi ſepius ſic delinquant.

Audita alias petiċione Maioris ⁊ Balliuoꝝ Ciuitatis Regē Cork, de eo qđ habent allocacōm in Sc^acio de xii. lib^r, ix. ſ. ⁊ q^atuor deñ, quos ſolūnt p p̄ceptū Regē p fretto cuiuſdam nauis que vocata fuit le Snack ⁊ p victualibꝫ in ea poſitis, ad t^anuehend in Vascoñ, ad exēcitū R tūc ibidm̄ exiſtentē. Que quidem nauis in Itiſſe illo ſine culpa alicuius a caſu piclitata fuit cū

¹Torn.

good and lawful men, it is agreed and provided that such servants should serve as they were accustomed, and should stay with their lords with whom they stayed before, and receive the liveries and wages as in other years they were accustomed; nor is it permitted to any lord to give or deliver to his servants greater liveries or larger wages than was accustomed to be given in the country where they dwell. Nor is it permitted to anyone to draw away or keep a servant or maid of his neighbour or of another, without the will of him with whom he stayed before. And whoso shall contravene either of these ordinances, let him fall in amercement of the lord the King, at least of half a mark which the sheriff of the place shall forthwith levy, and nevertheless they shall restore their damages to the injured persons. And sheriffs likewise in their bailiwicks, as well within liberty as without, shall warn such servants and maids, of whatsoever condition, who are unwilling or refuse to serve, contrary to the aforesaid provisions, that they shall be punished by prison according to their deserts, and in all other ways, in which the said sheriffs may see to be expedient. And let proclamation be made thereof in each market town, fair, &c. And this is commanded as well to sheriffs as to seneschals of liberties, &c.

It is forbidden also, as anciently was accustomed to be done, that swine henceforth feed in the Curragh of Kildare, which is common pasture, &c., in the soil of the lord the King. And let the sheriff punish those who drive their swine or have them there rooting or feeding, first by amercement and afterward by loss of those swine, and more heavily if they more often so offend.

Against swine
feeding in the
Curragh of
Kildare.

Having heard at another time a petition of the mayor and bailiffs of the King's city of Cork, for that they should have allowance in the Exchequer of 12*l.* 9*s.* 4*d.* which they paid by the King's precept for freight of a certain ship which was called the *Snack* and for victuals placed in her, to be conveyed into Gascony to the King's army then being there; which ship was in that voyage, without

Allowance to
Mayor of
Cork for
certain
freight, &c.

Þd̄cis victualibz et simili⁹ qđ habent allocacōm in Þd̄co Sc̄cio de octo m̄rcis ⁊ duobz solid⁹, quos simili⁹ solūnt ad repacōm Gaule de Cork p b̄re R de Sc̄cio, sub testfio Nichi de Clere tunc The^s ec̄; concordatum fuit qđ maġr Thomas Cantok Cancellarius ec̄ p p̄bos ⁊ leġ homies de ptibz Þd̄cis nō suspectos ec̄ inquireret inde plenius v̄ritatem, qui p sac̄m p̄boz ec̄ inde fecit inquisicōm ec̄ que dicit qđ Þd̄ci maior ⁊ Balliui solūnt xii. li. ix s. ⁊ q̄tuor deñ p fretto Þd̄ce nauis ⁊ p victualibz in ea missis v̄sus Vascoñ oc̄cone Þd̄ca et qđ Þd̄ca nauis in Itifle illo piclitata fuit cum om̄ibz rebz in ea existentibz in la Brade-pulle in portu Bristol sine culpa alicuius. Et e[tiam]¹ qđ Þd̄ci maior ⁊ Balliui p Þceptū dñi R p Þd̄cm b̄re solūnt octo marcas ⁊ duos solid⁹ ad rep[a]cōm¹ Þd̄ce Gaule p manus Rohti Pult^m ⁊ Elye Sage conciuū suoꝝ ec̄. Iō h̄eant inde allocacōm.¹ ex assensu ⁊ consensu tocius consilii ec̄.

Concordatū est ec̄. qđ Prior Oīm S̄coꝝ iux^a Dubl̄n h̄eat q̄tuor magnas quercus in for¹ Regis de Glencry ad repacōm molendini sui ⁊ Pontis v̄sus Steyne ec̄. ad vtilitatem [transe]¹ unciū ec̄.

Kyldaⁱ.

Concordatū est p Justic̄ ⁊ consiliū qđ de celo dent^r Constabula^r Cas̄i dñi Regis Kylda^r quod [est in]¹ Marchia p custodia ei⁹dem Cas̄i p annū p feodo suo viginti libre. Et vi^c Com̄ ei⁹dem p feod[o suo per]¹ annū decem libre þ⁹ feodū quod capit p turnis suis in Þd̄co Comitatu.

¹ Torn

fault of anyone, by chance lost, with the said victuals. And likewise that they should have allowance in said Exchequer, of 8 marks and 2 shillings, which likewise they paid towards the repair of the gaol of Cork, by King's writ from the Exchequer, under the *teste* of Nicholas de Clere then treasurer, &c. It was agreed that master Thomas Cantok the chancellor, &c., by good and lawful men of said parts not suspected, &c., should enquire more fully the truth of the matter. Who by the oath of good, &c., made enquiry thereof, &c., who say that the said mayor and bailiffs paid 12*l.* 9*s.* 4*d.* for freight of said ship, and for victuals sent in her towards Gascony on the occasion aforesaid. And that said ship in that voyage was lost, with all things in her, in the Bradepulle in the port of Bristol, without fault of anyone. And also that the said mayor and bailiffs, by the lord the King's precept by the said writ, paid 8 marks and 2 shillings towards the repair of said gaol, by the hands of Robert Pultram and Elias Sage, their fellow citizens, &c. Therefore let them have allowance thereof, . . . by assent and consent of the whole council, &c.

It is agreed, &c., that the Prior of All Saints near Dublin have four great oaks in the King's forest of Glencree for the repair of his mill and bridge towards Steyn, &c., for the use of passengers, &c.

Prior of All
Saints, to
have oaks
from Glencree.

It is agreed by the Justiciar and Council that from henceforth there be given to the constable of the castle of the lord the King at Kildare, which [is in the] march, for custody of the same castle by the year, for his fee, twenty pounds; and to the sheriff of the same county for his fee [by the] year, ten pounds, besides the fee which he takes for his turns in the said county.

Fee of the
constable of
Kildare castle.

27 EDWARD I. A.D. 1299.

[JUSTICIARY ROLL, 27 ED. I. m. 31, AND

RED BOOK OF THE EXCHEQUER IN IRELAND, fol. 66].

DÑS Rex mandavit Justiċ hic die Marti in septimana
Penthecosti bre suū patens in hec verba.

Monet.

Edward par la grace de dieu Rey Dengleterre, seignur Dirlaund, e Duc Daquit, a son chier e feal Johan Wogan Justice Dirlaund saluz, Por ceo qe nre Realme, e les autres teres de nre seignurie, sont replenies de diſses malueises moneyes, qe sont appelez Pollarz, Crokarz, e par autres nouns, les queles sont portees e mises en dyt Realme e aillors en nre poer par diſses gentz de la outre, e leyns despendues diſsement a gunt damage de nous e de tut nre poeple, nous par comun assentement des Prelas, des Countes, e des Barouns de meisme le Realme, auoms sur ceo ordene e establi remedye, solonc les articles, qi sensuent. Premierement qe nul desormes tieus moneyes ne porte, en le dit nre Realme, ne aillors en nre poer, sour forfeture de vie e des biens, e de qnt qil porra forfaire Issint tote veies, qe tutes gentz de queqe tere, ou de queuqe pays il seynt, pussent sauvement porter a nre Cheaunge, totes maneres de monoye de bon argent, de queuqe coyn de la outre, ou de queuqe value qe eles seint, saunz ceo qeles soyent forfetes. E por ceo qe cest establissement valer ne porra, si bien ne seit meintenu, ordene est qe bone garde e estreite se face, en tous les liuz sur la costere de la mer, es porz, e aillors, ou nule manere de ariuaille est, par boens e leaus Juretz qe ceaus qi tieles, ou autres mauueises monoyes, porteront, arrestent oue mesmes les monoyes, e oue tut ceo qil aueront, e qe mesme cels enuoyent a celui ou a ceaux qi de par no poer auera, ou aueront, por faire iuyse de eaux. Mes cesti poer pur ceo qe no ne sumes pas vncore auisez, queu maner de iuyse nous en voudrons faire, auoms no retenu a nous

27 EDWARD I. A.D. 1299.

THE lord the King sent to the Justiciar here on Tuesday in the week of Pentecost, his writ patent in these words :—

Edward by the grace of God, King of England, lord Money. of Ireland and Duke of Aquitaine, to his beloved and faithful John Wogan, Justiciar of Ireland, greeting. Whereas our realm and the other lands of our seignory are filled with divers bad moneys, which are called *Pollards*, *Crokards*, and by other names, which are brought and sent into the said realm and elsewhere within our jurisdiction, by divers persons from abroad, and therein diversely expended, to the great injury of us and all our people, we, by common assent of the prelates, earls, and barons of the said realm, have thereupon ordained and established a remedy according to the articles following :—

In the first place, that no one hereafter bring such moneys into the said realm, or elsewhere within our jurisdiction, on forfeiture of life and goods, and of whatever he can forfeit; so always that all persons, of whatsoever land or country they be, may safely bring to our exchange all manner of money, of good silver, of whatsoever coin, from abroad, or of whatsoever value they be, without their being forfeited. False money not to be imported, on forfeiture of life and goods.

And inasmuch as this ordinance cannot avail if it be not well maintained, it is ordained that good and strict guard be kept in all places on the sea coast, at the ports and elsewhere, where any manner of arrival takes place, by good and lawful men sworn, who shall arrest those that bring such or other bad moneys, with the said moneys, and with all that they shall have, and shall send them to him or them, who on our behalf, shall have power to do judgment on them. But this power, inasmuch as we are not yet advised what manner of judgment we will do therein, we have reserved to ourselves. Wardens at ports to be appointed, to enforce this Act.

mesmes. E voloms q'unt al arrest auantdit, qil se face en ceste manere. Cest a savoir qe la comunaute de chescun port elise deus boens e leaus hoems de mesme le Port por'les queus les elisours voudront respoudre, qi oue les baillifs de mesme le Port arrestent e cherchent leaument e saunz desport tous ceaus qi ariueront denz leurs gardes, e tut ceo qil porteront, e les cors de ceaus qil troueront qi tieles ou autres mauueises monoyes aueront portez enuoyent saunz delay a ñre chief prisoun du Counte en quel il serront ariuez. E voloms e comaundoms, qe lo gardein de mesme la prisoun les receyue. e sauement les garde, tant qe no' sachoms la manere du fait, e qe nous sur ceo eyoms maunde ñre volente. E la monoye e autre argent sil yeit deyuient mesmes les gardeins enueier e lyuerer a ñre g'unt chaunge, e des autres biens eaus mesmes charger e respoudre a ñre Eschequer. Dautrepart por ceo qe nous auoms entendu, qe len contrefait par de la le bon esterling de malueis e de faus metal por plus g'unt damage faire a ñre Realme auantdit; nous auoms ensement ordene, qe tous ceaus qi esterlings porteront de la outre, en mesme le Realme, ou aillors en ñre poer, deyuient bailler, e baillent mesmes ceaus esterlings as ditz gardeins des Ports ou il ariueront. E qe mesmes ceaus gardeins suz leurs seaux, e suz le seaux de ceaus qi les porteront. e par bon temoignage des bones gentz de mesmes les Ports les enuoyent tauntost as pcheins assayours, q assignez serront par no' pur le assay faire de la monoye. E deiuent mesmes les gardeins enuoyer les cors, oue les deners, sauement e en curteise manere. E si les assaiors trossent les deners bons e leaus en poys e en argent e en tutes autres choses, solonc la vyel estaundard Dengleterre, meintenaunt desarestent les cors e lour delyurent les deners qil aueront ensi portez. E si faus soyent trouez, forfes soyent, e les cors a ñre volente. Derechef ordene est qe nul desormes de ñre Realme ne de ñre poer, ne

And as to the arrest aforesaid, we will that it be made ^{Arrest and search.} in this wise, namely, that the community of every port choose two good and lawful men of the said port, for whom the electors will answer, who with the bailiffs of the same port, shall arrest and search faithfully and without favour, all those who shall arrive within their wards, and all that they shall bring, and the bodies of those whom they shall find, who shall have brought such or other bad moneys, they shall send without delay to our chief prison of the county wherein they shall arrive. And we will and command that the keeper of the said prison receive and safely guard them, until we be informed of the manner of the fact, and have thereupon made known our pleasure. And the money and other silver, if any there be, the same wardens ought to send and deliver to our great Exchange, and to charge themselves with the other goods and to answer at our Exchequer. Moreover, whereas we have heard that the good sterlings are counterfeited beyond these parts, with base and false ^{Foreign} metal, to the very great injury of our realm afore- ^{sterlings to be delivered to the Wardens,} said, we have also ordained that all those who shall bring sterlings from abroad into the said realm or elsewhere within our jurisdiction, ought and do hand over the said sterlings to the said wardens of the ports where they shall ^{and examined by assayers.} arrive. And that the same wardens under their seals and the seals of those who shall bring them, and by faithful testimony of good men of the said ports, shall send them at once to the nearest assayers, who shall be assigned by us to make the assay of money. And the said wardens ought to send the bodies, with the money, safely and in a courteous manner. And if the assayers find the money good and lawful in weight and in silver, and in all other things according to the old standard of England, then they shall discharge the bodies from arrest, and shall deliver to them the money which they shall have so brought. And if they be found false, they shall be for- ^{False money forfeited.} feited and the bodies be at our will.

Moreover, it is ordained that from henceforth no one of ^{Wools, tin, &c., to be sold only for good silver.} our realm or of our jurisdiction sell or part with wool,

vende ne lesse leynes, ne quyrs, ne peaus, ne plum, ne esteim fors qe pur boens e leaus esterlings, ou pur plates¹ dargent assae e merche a ñre g^{unt} eschaunge, ou en eschaunge de bon e de leal, e de suffisaunte marchaundise. E si nul le fait autrement e de ceo seit atteint par les ditz gardeins ou par autres de nos ministres, qe les choses ensint vendues ou lessees, nous seyent forfaites. Oncore est ordene qe nule bone monoye dargent de ñre coyn ne dautri ne nul argent en plates,¹ ne en autre manere, ne isse, ne porte ne seit hors de ñre Realme, ne hors de ñre poer en les parties de la outre saunz especial congie de nous, sor la peyne desusdite. E a ceste chose garder ensemblement oue les autres poinz auaunt dis; deiuent mesmes les gardeins mettre diligence e peyne en tutes les bones maneres qil porront. E ceaus mesmes auant qil receiuent la garde auaunt dite deiuent iurer deuaunt les vescontes ou deuaunt loer chiefs gardeins la ou il ne sont as vescontes responauns qil feront tendront e gardront leaument e saunz nule laschesse taunt com en eaus est, tot ceo qe a ceste garde apartient, solonc la fourme auaunt dite. E sil facent reles ou desport a nuly pur doun ou pur fauour, ou en aucune autre manere, e de ceo soient atains; qil soient en forfaiture de vie e q^{unt} qil ount. Derechef com ordene seit, qil yeit table a Doure e aillors, ou nous ordeneroms passages & teynes por chaunger despenses necessayres as alauns e as venauns; si auoms ia assigne Johan Bellard Johan Galleys e leurs compaignons a tenyr table a Doure de par nous de tute manere des monoyes. E voloms qil facent iloeqs chaunge por despenses necessaires as alauns la outre e as venauns de dela par veue e p temoignage du countre roulur, qi no⁹ ymettoms. E qe totes gentz qe vendront de la outre, portauns monoye qe curt en poer le Rey de ff^{unce}

¹ Statute Roll (Engl.) reads *plate*. The word appears to have been used for bar or sheet gold and silver. In later Statutes "plate" would seem to indicate wrought or flattened metal—a more strictly accurate use of the word—derived as it is from a common origin with *πλάτυς*, our own word *flat*, and the Spanish *plata*. See Cripps' *Old English Plate*, p. 30.

leather, hides, lead or tin, except for good and lawful sterlings or for silver plates, assayed and marked at our great Exchange, or in exchange for good and lawful and sufficient merchandise. And if any do otherwise and be thereof attainted by the said wardens, or by other our officers, that the things thus sold or parted with be forfeited to us.

Furthermore, it is ordained that no good money of silver Coin, silver of our coin or of any other, nor any silver in plates or ^{in plate, &c.,} otherwise, issue, or be carried or be out of our realm, or out ^{not to be} exported. of our jurisdiction into parts abroad, without special leave of us, under the penalty aforesaid. And for observance of this matter, together with the other points aforesaid, the said wardens should use diligence and pains by every proper means in their power. And these same, before they receive the said wardenship, ought to swear before the ^{Oaths of} sheriffs, or before their chief wardens in places where they ^{wardens.} are not answerable to the sheriffs, that they will do, keep and observe faithfully and without any neglect, so far as in them is, all that to this wardenship appertains, according to the form aforesaid. And if they release or spare any, for gift or favour, or in any other manner, and of this be attainted, that they incur forfeiture of life and of all they possess.

Moreover, as it is ordained that there be at Dover and ^{Exchange} elsewhere, where we shall ordain fixed places of passage, a ^{tables at} table to change what is for necessary expenses to those ^{Dover, &c.} going and coming; We have therefore assigned John Bellard, John Galleys and their companions, to hold a table at Dover on our behalf, of all manner of money. And we will that they give there change for necessary expenses to those going abroad, and to those coming from thence, by view and testimony of a controller, whom we shall send there. And that all persons who shall come from abroad, bringing money which is current in the jurisdiction of the King of

portent mesme la monoye a la dite table e iloeqs receiuent al auenaunt de la monoye qe curt en ñre Realma. E sil seyent trouez nule part aillors oue tiele moneye qe mesme la monoye nous seit forfait e le forfet tourne a la dite table a ñre oes. Por quoy nous vo^r maundoms fermeñt enioynauns ke meintenaunt veue cestes lettres tuz les articles e pouns avaunt ditz facez crier e pupler en cytes b^rgs viles marchaundes porz e en tous autres lieux par my v^re baillie p la ou v^r v^rez q̄ seit a fere e gardeins establir e iurer a ceste ñre ordenaunce tenir e garder en la furme susdite sur les peines en meismes ceste fourme contenues. Donees a Stebenheth le quinzime Jour de May le an de ñ r̄ xxvii^{me}.

28 EDWARD I. A.D. 1300.

[JUSTICIARY ROLL, 28 EDWARD I. m. 27d.]¹

SET cōuocatis illis qui sunt de cōsilio dñi R̄ in Hib̄n tam Ep̄is q^m aliis nūc degētibz in P̄ra illa recordatū est p̄ om̄es unanimi^r qd cōsuetudo in Hib̄n vsitata de bonis testato^r talis est qd vbi inf̄ virū et vx̄em ples restat suscitata bona testatoris equali^r erūt t̄ptita inf̄ virū vx̄ et plem deductis plus debitis r̄onabili^r deducendis. Et si ples nō supest tūc bona testatoris inf̄ virū et vx̄em consi^r erūt equali^r biptita.

¹ The circumstances which led to this authoritative pronouncement of the custom of Ireland regarding the goods of a testator will be found fully set out in Sweetman's *Calendar of Documents relating to Ireland*, 1293-1301, pp. 346-8. The suit in which the question arose was that of William de Calne and Rohesia, his wife, against Reginald de Dene, and the proceedings are calendared from a *Coram Rege* Roll, Edward I. No. 162, Ro. 41.

A writ commanding the Justiciar of Ireland to distrain the defendant, together with the above statement of the custom, is all that appears in the Justiciary Roll.

France, bring the same money to the said table, and there that they receive instead money which is current in our realm. And if they be found anywhere else with such money, that the said money be forfeited to us, and the forfeit turned to the said table for our use.

Wherefore we command you, firmly enjoyning that forthwith upon sight of these letters, you cause to be proclaimed and published all the articles and points aforesaid in the cities, burghs, market-towns, ports, and in all other places throughout your bailiwick, where you shall see that it ought to be done, and establish wardens and swear them to hold and observe this our ordinance in form aforesaid under the penalties in this same form contained. Given at Stepney the fifteenth day of May in the 27th year of our reign.

28 EDWARD I. A.D. 1300.

BUT those being called together who are of the Council of the Lord the King in Ireland, as well the bishops as others now dwelling in that land, It is testified by all unanimously, that the custom used in Ireland as to the goods of testators is such, that where offspring begotten between a man and wife survive, the goods of the testator shall be divided equally into three parts, between the man, the wife, and the offspring, debts reasonably to be deducted being first deducted. And if issue do not survive, then the goods of the testator shall in like manner be equally divided into two parts between the man and the wife.

Custom of
Ireland as to
goods of a
testator.

28 EDWARD I. A.D. 1300.

[JUSTICIARY ROLL, 28 EDWARD I. m. 2f.]

Placita de Parlamento Dubln a die Pasch in xv. dies anno
R. R. E. xxviii^o.

Subsidia
Scocie.

DÑS Rex mandavit hñe suū in hec verba. Edwardus dei
grā Rex Angl Dñs Hibñ & Dux Aquit Comitibz
Baronibz militibz & ceteris fidelibz suis p terram Hibñ con-
stitutis saltm. Sciatis qđ cum ad saluacōem Corone nre regie
cōemq regni nri & Praz nraz vtilitatem iam ordināsimus &
eciam pponamus esse in pximo festo Natiuitatis bi Johis Bapte
apud Karliolū cum equis & armis & subsidio magnatum & pcerū
nroz ad pficiscend exinde ad rebellionē Scotoz inimicoz &
rebelliū nroz cum dei auxilio rep'mendam, ad quod negociū
cōmodius exequend v̄ro auxilio & subsidio indigem⁹ dit & fid
ñros Joñem Wogan Justiç nrm & magrm Thom de Cantok
Cancellariū nrm Hibñ, vna cum Baronibz de Scocio Dubln
assignauimus ad petend & requirend nōie nro a vob & quot
vrm, subsidiū quod ad tam ardui negocii felicem cōsūmaçonem
ac nri & v̄ri cōmodū & honorem videbitur oportunū et ad omia
alia & singula . . .¹ que pfati Justiç Canç & Barones seu
aliqui ex ip̄is quos ad hoc vacare contiḡit sup pmissis & ea
contingētibz viderint facienda. In cujus rei testimoniū has tras
ñras fieri fecimus patentes. T. meiço apud Blydam xviii
d[ie]¹ Januař anno regni nri vicesimo octauo. Mandavit
& consimilia bñia omibz Civitatibz & Burgis p totam Hibñ.
pp^l que Justiç suū fecit geñale parlamentum apud Dubln in
quindena Pasch, videt qđ Prelati & magn[ates]¹ omēs venirent

¹ Torn.

28 EDWARD I. A.D. 1300.

PLEAS of Parliament at Dublin in fifteen days from the day of Easter, in the 28th year of the reign of King Edward.

The lord the King sent his writ in these words: Subsidy of
Edward by the grace of God, king of England, lord of Ire-
land, and duke of Aquitaine, to the earls, barons, knights
and other his faithful people established through the land
of Ireland, greeting. Know that whereas for the safety of
our royal crown, and the common advantage of our king-
dom and of our lands, we have now ordained, and also we
purpose to be, on the next feast of the Nativity of
S. John the Baptist, at Carlisle, with horses and arms and
support of our magnates and commanders, to set out there-
from to repress with the help of God the rebellion of the
Scotch enemies and our rebels; for the more successful exe-
cution of which business we need your assistance and aid.
We have assigned our beloved and faithful John Wogan
our justiciar, and master Thomas de Cantok our chancellor
of Ireland, with the barons of the Exchequer at Dublin, to
ask and request in our name from you and each of you, the
subsidy which shall appear suitable to the successful issue
of so serious an undertaking, and to the advantage and
honor of us and you, and for all and singular other things
which the aforesaid Justiciar, Chancellor and Barons or
any of them (who happen to have leisure for this) may see
necessary to be done in the premises, and what relates
thereto. In witness whereof we have caused these our
letters to be made patent. Witness myself at Blyth, the
18th day of January, in the 28th year of our reign.

He sent also like writs to all cities and burghs
throughout the whole of Ireland.

On account of which, the Justiciar caused to be sum-
moned a general Parliament at Dublin in the quinzaine of
Easter, viz.: that the prelates and the magnates should all
Parliament summoned to meet at Dublin.

ibi in pp'is psonis ec et qd Cõitates Comitatuũ per duos tres vel quatuor ad hoc p ipos electos e specialem potestatem hentes ac si omes fuissent psentes e sifr Cõitates Ciuitatum e Burgoz p duos vel tres ec. Set Justic ante pliamtũ illud decreuit alloqui Maiores e pbiores hofes Civitatũ e Burgoz ocõone pdci subsidii. Et pmo venit apd Drogheda scift in vigit dnice in Ramis Palm, vbi porrectis iris dni R Maiori e Cõitati Burgi illius p ipm dnm R directis e hito cũ eis sup hiis diligenti tractatu pdci Maior Bal[h]¹ e Cõitas ex vt^q pte aque ad pñend beniuolenciã dni R e gãm de mcandisis que emerũt p mone[^{tas}]¹ inhibitas ec, optulerũt dno R CC e lx mř unde sup villam ex pte vriel CC mř e sup villam ex pte mid lx mř. Et exinde pfatus Justic circuiuit Ciuitates e Burgos ec. Et Maior Balli e Cõitas Ciuitatis Dubln concesserunt dno R ad pdcm subsidiũ CC mř. Et Cõitas Burgi Comitis Norff de Ros concesserunt dno R ad pdcm subsidiũ xl li. Et Ciuitas R Walford C mř. Et villata de Kilmydan in eodem Com C sol. Et villata de Athmethan in eodem Com C s. Et villata de Stratbaly in eodem Com quinq Centenas pisciũ precii C s. Et villata de Dungaruan in eodem Com quindecĩ Centenas pisciũ preç xv li. E Cõitas Ciuitatis R Lymeř xl mř. Et villata de Imelagh in eodem Com xx mř. Et Ciuit[as]¹ R de Cork CC lx mř. Et villata Gilbti fit Thome de Clare del Yoghul in eodẽ Com xl li e qnq Centenas pisciũ precii C sol. Et villata Archiepi Cassell de Cassell in Com Typař xx li. Et villata Otonis de Grandisono de Clõmele

¹ Obliterated.

come there in their own persons, &c, and that the communities of the counties by two, three or four, elected for this by themselves, and having special authority as if all were present, and likewise the communities of the cities and burghs by two or three, &c.

But the Justiciar before that parliament decided to speak with the mayors and good men of the cities and burghs, on account of the aforesaid subsidy. And first he came to Drogheda, viz.: in the vigil of Palm Sunday, where having exhibited the letters of the lord the King directed by the King himself to the mayor and community of that burgh, and having had diligent treaty with them upon these matters, the aforesaid mayor, bailiffs, and community on each side of the river, for the purpose of earning the goodwill of the lord the King, and favour concerning merchandise which they had bought with forbidden money, &c., presented to the lord the King 260 marks, of which upon the town at the Uriel side 200 marks, and upon the town at the Meath side 60 marks.

Prior to it,
the Justiciar
had interviews
with Mayors,
&c.

Drogheda.

And from thence the said Justiciar went round the cities and burghs, &c. And the mayor, bailiffs, and community of the city of Dublin granted to the lord the King towards the aforesaid subsidy 200 marks. And the community of the earl of Norfolk's burgh of Ros granted to the lord the King towards the aforesaid subsidy 40*l*. And the King's city of Waterford 100 marks. And the town of Kilmeadan in same county 100*s*. And the town of Affane in same county 100*s*. And the town of Stradbally in the same county 5 hundred of fish of the value of 100*s*. And the town of Dungarvan in same county 15 hundred of fish of the value of 15*l*. And the community of the King's city of Limerick 40 marks. And the town of Emly in the same county 20 marks. And the King's city of Cork 260 marks. And Gilbert, son of Thomas de Clare's town of the Youghal, in the same county 40*l*, and 5 hundred of fish of the value of 100*s*. And the archbishop of Cashel's town of Cashel in county Tipperary 20*l*. And Oto de Grandison's town of Clonmel

Grants
towards the
subsidy.

xii m̃. Et villata Prioris de Athissil de Athissil v m̃. Et villata R del Carrik xl ā. Et villata de Artfynan in eodem Coñ preſ tenētes Hospital xl ā. Et villata del Nanagh xl ā. Ei villata de Moydrifny i m̃. Et villata de Thurlis xl ā. Et villata de fſitherid x m̃. Et villata de Moydiſſel in eodē Coñ xl ā. Et Burgus de Kilkenū xl ti.

Et poſtea ad ꝑdēm parliamentum veni Magnates & Cōitates in forma demandata & diſſis¹ de eis ſe excuſantes a ꝑſtando ſubſidio pecierunt qđ Juſtiā iret p ꝑrias & ipi liben² forent in auxiliū qđ Cōitates in ꝑpriis ꝑſonis ſuis concederent ſe preſtare ſubſidiū & ipi magnates preſ prelatos tūc cum eis contribuerent ec̃. Et Juſtiā eis conſenciens ꝑmo iuit apud Trym in libtate Galfri de Geyneuill ubi Cōitas veniens, & hito cum eis diligenti t̃ctatu ec̃ conſeſſerunt ad ꝑdēm ſubſidiū CC m̃. Et in crastino Cōitas Coñ Midie veniens ibidem preſ Croceas ec̃ conſeſſerunt ſihr ec̃ CC m̃. Et Cōitas Croceaꝝ Midie preſ tenentes Abbatū de Mellifonte & Diueleek & Archieꝑi Ardmāc xx ti. Et tenētes ꝑdci Archieꝑi in Midia de teñ de Arkagh x m̃. Et tenētes ſui de Kilmoon x m̃. Et tenētes ꝑdci Abbis de Mellefonte ex ꝑte Midie xx ti. Et tenētes ꝑdci Abbis aſce Marie de Diueleek xl ā. Et Cōitas Coñ Loueth preſ tenētes ꝑdcoꝝ Archieꝑi & Abbis de Mellifonte conſeſſerūt ec̃, iiii^m ti. Et tenētes ꝑdci Archieꝑi in ꝑdco Coñ xx ti. Et tenentes ꝑdci Abbis in eodem Coñ xx ti. Et Cōitas Coñ Dubln preſ libtates & tenentes religioſ & Croc C ti. Et tenentes Crocee Archieꝑat[us]² Dubln cum forinſecis tenētibꝫ de eodem feod

¹ So in MS. for *diſſerſi*.

² Torn.

12 marks. And the prior of Athassel's town of Athassel 5 marks. And the King's town of Carrick 40s. And the town of Ardfinnan in same county, except the tenants of Hospital, 40s. And the town of the Nenagh 40s. And the town of Modreeny 1 mark. And the town of Thurles 40s. And the town of Fethard 10 marks. And the town of Modeshil in same county 40s. And the burgh of Kilkenny 40l.

And afterwards came to the aforesaid Parliament the magnates and communities in the manner commanded. And divers of them excusing themselves from giving a subsidy asked that the Justiciar should go through the countries, and they would willingly assist, that the communities in their own persons should grant that they would give the subsidy, and the said magnates (except the prelates) would then contribute with them, &c. And the Justiciar consenting to them, went first to Trim in the liberty of Geoffrey de Geyneville, where the community coming and diligent treaty having been had with them, &c., they granted towards the aforesaid subsidy 200 marks. And on the morrow, the community of the county of Meath (except the Crosses) coming there, &c., granted likewise, &c., 200 marks. And the community of the Crosses of Meath (except the tenants of the abbots of Mellifont and Duleek and of the archbishop of Armagh) 20l. And the tenants of the aforesaid archbishop in Meath, of the tenement of Arkagh, 10 marks. And his tenants of Kilmoon 10 marks. And the tenants of the aforesaid abbot of Mellifont on the side of Meath 20l. And the tenants of the aforesaid abbot of S. Mary of Duleek 40s. And the community of the county Louth (except the tenants of the aforesaid archbishop and abbot of Mellifont) granted, &c., 80l. And the tenants of the aforesaid archbishop in the aforesaid county 20l. And the tenants of the aforesaid abbot in same county 20l.

Parliament
meets.

Justiciar
requested to
make a tour
in support of
the subsidy.

First visits
Trim; grants
from Meath.

And the community of the county Dublin (except liberties and tenants of religious houses and Crosses) 100l. And the tenants of the Cross of the archbishopric of Dublin,

Grants from
Dublin.

pre^l villam s^ci Sepulchri Dub^ln C m^l. Et tenentes Prioris s^ci Johis extra Novam portam Dub^ln xl s. Et tenētes Prioris s^ce Trinitatis Dub^ln C s. Et tenētes Abbis s^ce Marie Dub^ln xl s. Et tenētes Abbatisse del Hogges Dub^ln ii m^l. Et tenentes Crocee fferneñ xii m^l. Et tenētes Crocee Leghlineñ vi m^l. Et tenētes Crocee Osoř xx m^l. Et Cōitas libertatis Wey^s iiiii^m m^l. Et tenentes de Offelmeth in libtate Kathert pre^l Abb^{is} . . .¹ ti. Et tenentes Johis de Hastynges de Oboy in eadem libtate iiiii m^l. Et tenentes de Obargy in eadem libtate cum villata de Kathert x m^l. Et tenentes de ffotherid in eadem libtate xx m^l. Et tenētes de Odroon in eadem libtate xx m^l. Et tenentes libtatis Kilkenñ C ti. Et Cōitas Coñ Kildař C m^l. Et Cōitas Coñ Watford pre^l βd^{cas} villatas C ti. Et Cōitas Coñ Cork pre^l villas m^lcatorias CC ti. Et Cōitas Coñ Lymeř pre^l villas m^lcatoř CC m^l. Et Cōitas Coñ Typař β^l villas mercatoř CC ti. Et villata de Athdare in Coñ Lymeř v m^l. Et villata de Rathgel in eodem Coñ xl s. Et villata de Inskefty xl s. Et villata de Ardagh in eodem Coñ xl s. Et villata de Cromoth in eodem Coñ v m^l. Et villata de Kilme . . .¹. Et villata de Dermochi in eodē Coñ i m^l. Et villata de Natherla . . .¹. Et villata de Any xl s. Et villata de Grene xx s. Et villata

with outside tenants of that fief (except the vill of S. Sepulchre, Dublin) 100 marks. And the tenants of the prior of S. John outside the New Gate Dublin, 40s. And the tenants of the prior of the Holy Trinity, Dublin, 100s. And the tenants of the abbot of S. Mary, Dublin, 40s. And the tenants of the abbess of the Hogges, Dublin, 2 marks.

And the tenants of the Cross of Ferns 12 marks. And the tenants of the Cross of Leighlin 6 marks. And the ^{Ferns,} tenants of the Cross of Ossory 20 marks. And the com- ^{Leighlin, and} munity of the Liberty of Wexford 80 marks. And the ^{Ossory.} tenants of Ui Felme in the liberty of Carlow (except the ^{Wexford.} abbeys) [10l].¹ And the tenants of John de Hastynges, of Oboy in same liberty, 4 marks. And the tenants of Ui Bairche in same liberty, with the town of Carlow 10 marks. And the tenants of Forth in same liberty 20 marks. And the tenants of Idrone in same liberty 20 marks. And the tenants of the liberty of Kilkenny 100l. And the com- Kilkenny. munity of the county Kildare 100 marks. And the com- Kildare. munity of the county Waterford (except the aforesaid Waterford. towns) 100l. And the community of the County Cork Cork. (except the market towns) 200l. And the community of the county Limerick (except the market towns) 200 marks. Co. Limerick. And the community of the county Tipperary (except the Tipperary, market towns) 200l. And the town of Adare, in county &c. Limerick, 5 marks. And the town of Rathkeale in same county 40s. And the town of Askeaton 40s. And the town of Ardagh in the same county 40s. And the town of Croom in the same county 5 marks. And the town of Kilmallock [in same county, 20l].¹ And the town of Dermochi (Darragh) in same county 1 mark. And the town of Aherlow [2 marks]¹ And the town of Aney 40s. And the town of

¹ Supplied from Pipe Roll, 31 Ed. I., No. 32, which contains accounts of the collection of this subsidy.

de . . . ¹. Et sciend qđ tenētes de Croceis Momonie concedunt qđ ip̄i dabunt de suo quantum acced . . . ¹ sua de libalitate sua ⁊ nō oōcōne alicui⁹ teñ inroceatī; ⁊ sub tali forma qđ non ven . . . ¹ cōsuetudinem alias ⁊c., ⁊ eis conceditur.

m. 3 f.

Placita de Parlamento apud Dubl̄n coram Johe Wogan Capit̄ Justic̄ ⁊c. ⁊ aliis de consilio ⁊c., a die Pasch̄ in xv dies anno R. R. E. xxviii^o.

m. 3 d.

Concordatū est eciam qđ nulla moneta portet^r ex^a h^anc fram sine sp̄ali War^e ⁊c et qđ nullus applicet in h^anc fram alibi q^m in rectis portubz ⁊c sub g^aui forisfcura ⁊c.

Concordatū est qđ moneta pollardoz ⁊ aliax monetax consimilū arestatax in manus mercatoz vbicūq; in hac terra, reliēntur m̄catoribz ducendū ad cambiū Regē in Angl̄ ut in h^anc terrā. Et qđ inde fiant br̄ia quibuscūq; petentibz.

¹ Obliterated.

Green 20s. And the town of [Karkinlish (Cahirconlish) 40s].¹ And be it known that the tenants of the Crosses of Munster grant that they will give of their own as much of their liberality and not by occasion of any holding in cross lands, and under such form that [it shall not come to be a] custom at some other time, &c., and it is granted to them.

Pleas of Parliament at Dublin before John Wogan, Chief Justiciar, &c., and others of the Council, &c., in fifteen days from Easter day in the 28th year of the reign of King Edward.

It is agreed also that no money be carried out of this land without special warrant, &c., and that no one land in this land elsewhere than in regular ports, &c., under heavy forfeiture, &c.

No money to be carried out of the land, &c.

It is agreed that money of pollards and other like moneys seized in the hands of merchants wheresoever in this land, be re-delivered to the merchants, to bring to the King's Exchange in England or in this land; and that writs be made therefor to any demanding.

Pollard money, &c., seized, to be brought to the Exchange for re-coining

¹Supplied from Pipe Roll, 31 Ed. I., No. 32, which accounts for this subsidy.

28 EDWARD I. A.D. 1300.

[JUSTICIARY ROLL, 28 EDWARD I. m. 13f.]

Cōmunia plita apud le Naas coram Caſ Justic Hibñ de mense
Pasch anno R R E. xxviiiº. Wogan.

DÑS Rex mandavit hic bñe suum in hec verba. Edwardus
dei gr̃a Rex Angl Dñs Hibñ & Dux Aquit ditco & fid
suo Johi Wogan, Justic suo Hibñ saltm. Cum nup in parla-
mento nro apud Stybenheth in^l celas ordinações ibidem factas
duximus ordinand qđ illa bona moneta argenti de nro vt
alpius Cuneo vel argentum aliquod in massa vt alio quouis
modo regnū nrm exiret vel extra idem regnū vel potestatem
nr̃am ad ptes tñsmañ deferretur sine licencia nra sp̃ali sub
forisfcura vite & bonoz et oim alioz que forisfieri nob possent
et iam p cōi vtilitate regni nr̃i monetam Pollardoꝝ Crocardoꝝ &
quascumq; alias similes monetas de consilio p̃cūm nroz oio
repbañimus ac eciam ordinavimus qđ nulla moneta alia qm
sterlingoꝝ de cuneo nro currat de celo in dco Regno nº vsuat ē
heat, p quod volu[m?]' qđ ordinaço p̃dca firmitus & inuiola-
bilis obseruetur, voñ mandam' firmit' iniungentes qđ illam
monetam argenteam vt aliqam aliam monetam albam de nro vt
alpius Cuneo vt vasa aliqua argentea s[eu]' argentū aliquod in
massa vt alio quouis modo a Pra nra Hibñ ad ptes tñsmañ
deferri pmittatis sine licencia nra sp̃ali sub pena supius
annotata. Et istud mandatū nrm sicut cōmodū regni nr̃i diligitis
p totam P̃ram nr̃am p̃cam de qñdecim diebus in qñdecim dies
publice pelamari & obseruari firmit' faciat p custodes ad hoc
alias deputatos vt de novo si n̄cē fuit deputandos. T. meip̃o
ap[ud] S̃m Albanū xiº die April anno r̃ ñ vicesimo octauo.

Et hoc idem mandatum est omibz vic & Señ libtatū in
Hibñ ec̃.

28 EDWARD I. A.D. 1300.

COMMON Pleas at the Naas before the Chief Justiciar of Ireland, of the month of Easter in the 28th year of the reign of King Edward.

Wogan.

The lord the King sent his writ here in these words:—Edward, by the grace of God, king of England, lord of Ireland, and duke of Aquitaine, to his beloved and faithful John Wogan, his Justiciar of Ireland, greeting. Whereas lately in our parliament at Stepney, amongst other ordinances there made, we thought fit to ordain that no good money of silver, of our or other's coinage, or any silver in bulk or in any other way, should leave our kingdom or be carried out of our said kingdom or jurisdiction to parts over the sea, without our special licence, under forfeiture of life and goods and all other things which can be forfeited to us. And now for the common benefit of our kingdom, with the advice of our nobles, we have altogether condemned the money of Pollards, Crocards and other like moneys whatsoever, and also have ordained that no money other than of sterlings of our coinage be current from henceforth in the said kingdom; nor even be held proper for use. Inasmuch as we will that the said ordinance be more strictly and inviolably kept, we command, strictly enjoining you, that you allow no silver money or any other white money of our or other's coinage, or any silver vessels or any silver in bulk or in any other way, to be carried from our land of Ireland to parts over the sea, without our special licence under the penalty above specified. And, that this our mandate, as you cherish the profit of our kingdom, you cause to be publicly proclaimed throughout the whole of our said land fortnightly, and to be strictly kept by wardens, for this purpose on another occasion appointed, or if need be to be appointed afresh. Witness myself at St. Albans the 11th day of April, in the 28th year of our reign.

No silver or other white money, silver in plate or bulk to be carried out of Ireland.

And this same is commanded to all sheriffs and seneschals of liberties in Ireland.

35 EDWARD I. A.D. 1307.

[JUSTICIARY ROLL, 35 EDWARD I. m. 16f.]

Angl. Statuta
de Religiosis.¹

DŃS Rex mandavit bře suū hic ec̃ in hec verba. Edwardus dei grā Rex Angt dñs Hibñ & dux Aquit̃ dīco & fideli suo Johi Wogan Justīc suo Hibñ vel eius locum tenenti salīm cum ad cōem populi regni nři vtilitatem & tocius dñii nři stat⁹ melioracionem in parlamento nro apud Karliolū quedam ediderimus statuta in Angt Hibñ Wallia & Scocia futuris tempibz obseruanda queq; vobis mittim⁹ sub sigillo nro signata in lra nra Hibñ publicanda & sub penis in eisdem statutis contentis obseruari facienda vobis mandamus qđ statuta illa in singlis Comitatus lre nre pcedē legi publicari & obseruari & tⁿscripta eorūdem sub sigillo quo vtimur in Hibñ singlis Abbatibz Prioribz Custodibz domoꝝ religiosaz Cluniacen Cisterciē & Premonstrateñ & sčoz Augustini & Benedci ordinū in plenīs capitulis domoꝝ suaz bis in anno legenda & sub penis supr^adcis obseruanda tⁿsmitte faciatis. T. unēso apud Karl iiii^o die April anno r̃ ñ t^ocesimo quinto. Et simitr prefatus dñs Rex misit hic ec̃. p̃dcm statutum sub sigillo suo Angt in hec verba.²

¹ In the old printed copies this statute is entitled, "Statutum de Asportatis Religiosorum."

² The Latin text of the statute follows in the roll.

35 EDWARD I. A.D. 1307.

STATUTE AS TO RELIGIOUS PERSONS.

THE lord the King sent his writ here, &c., in these words:—Edward, by the grace of God, king of England, lord of Ireland, and duke of Aquitaine, to his beloved and faithful John Wogan, his Justiciar of Ireland or his deputy, greeting. Whereas for the common utility of the people of our realm and the improvement of the state of our entire dominion, in our Parliament at Carlisle, we published certain statutes to be observed in future in England, Ireland, Wales, and Scotland, and which we transmit to you, sealed under our seal, to be published in our land of Ireland, and under the penalties of the said statutes contained, to cause to be observed; we command you that the said statutes in every county of our aforesaid land, you cause to be read, published, and observed, and transcripts of the same under the seal which we use in Ireland, to all abbots, priors, wardens of religious houses of the Cluniac, Cistercian and Premonstratensian Orders, and of those of Saints Augustine and Benedict, in full chapters of their Houses twice in the year to be read, and under the aforesaid penalties to be observed, you cause to be transmitted. Witness myself at Carlisle the 4th day of April in the thirty-fifth year of our reign.

And likewise the aforesaid lord the King sent here, &c., the aforesaid statute under his seal of England in these words:—

[STATUTE AS TO RELIGIOUS PERSONS]. (')

Lately it came under the notice of the lord the King by the grievous complaint of the magnates, chief men, and other nobles of his realm, that, whereas Monasteries, Priors, and Religious Houses were founded to the praise and honour of God, and the advancement of Holy Church,

(') The text taken from *Statute Roll (Engl.)* m. 83, is printed in *Statutes of the Realm*, I. p. 150.

by the King and his progenitors and by the said magnates and nobles and their ancestors, and very many lands and tenements were given by them to the said Monasteries, Priories, and Houses and to the Religious serving God therein, so that as well clergy as laymen should be admitted according to their sufficient ability, and that the sick and weak might find sustenance, hospitality, gifts of alms, and other pious deeds might be exercised, and for the souls of the aforesaid founders and their heirs prayers might be made in them. The Abbots, Priors, and Wardens of the said houses and certain aliens, their superiors, as the Abbots and Priors of the Cluniac, Cistercian, Premonstratensian orders and of those of Saints Augustine and Benedict, and many others of other religion and order have lately upon several monasteries and houses subject to them in England, Ireland, Scotland, and Wales, fixed divers unaccustomed heavy and insupportable tallages, payments, and impositions, and of their own pleasure have ordained the same, without consulting our lord the King and his great men, contrary to the laws and customs of the said realm, whereby it has come to pass that the number of Religious persons and other servitors in such Houses and Religious places oppressed by such tallages, payments, and impositions, is diminished, the worship of God and alms to the poor, the sick, and weak are withdrawn, the health of the living and the souls of the dead are miserably defrauded; hospitality, almsgiving, and other works of charity cease, and so, what had formerly been charitably dedicated to pious uses and to the advancement of the service of God, is now changed into an evil tax. Wherefore, besides those things which are mentioned before, no small scandal grows among the people, and innumerable losses in the disheriting of the said founders and their heirs are known without doubt to have happened, and moreover, it may be presumed are likely to happen again, unless for such and so grievous injuries there be provided a speedy and safe remedy; therefore, the said lord the King, considering that it would be very injurious to him and to his people if he should any longer suffer such great losses and insolencies to go on under a cloak; and therefore, being willing to maintain and defend the monasteries, priories, and other religious houses and places founded in the realm and lands subject to his sway, according to the will and pious intentions of the said founders, and from henceforth to provide fitting remedy against such oppressions, as he is bound; by the advice of the Earls, Barons, magnates, great men, and other nobles, and the commons of his kingdom in his parliament at Westminster on Sunday next after the Feast of St. Matthias the Apostle, in the thirty-third year of his reign, ordained and enacted, that no Abbot, Prior, Master, Warden, or any other Religious person of whatsoever condition, state, or religion he be, being under his power and jurisdiction, any tax imposed by their superiors, the Abbots, Priors, Masters, Wardens of Religious Houses or places, or in any way assessed among themselves, out of his kingdom and dominion under the name of rent, tallage, tribute, or any kind of imposition, or otherwise by way of exchange, sale, mutual or other contract or by whatever other name it may be termed, by themselves or by merchants or others, secretly or openly, by any art or device, shall carry or transmit or cause to be carried or transmitted in any way; nor shall any of them depart to places outside by reason of visitation or under any other invented pretence, that so they may bring the goods of their Monasteries and Houses outside the aforesaid kingdom and dominion; and if any presume to contravene this present Statute, let him be heavily punished, the nature of his offence being considered and the contempt shown the King's prohibition weighed,

Religious
persons shall
send no tax,
&c., beyond
sea.

Moreover, the said lord the King forbids all and singular Abbots, Priors, ^{Impositions} Masters, Wardens of Religious Houses and places, being aliens, to ^{shall not be} whose power, subjection, and obedience the Houses of the said orders ^{assessed by} in his kingdom and dominion are subject, from henceforth imposing ^{priors aliens.} or in any way assessing tallages, taxes, impositions, tributes, or any other burdens on any Monasteries, Priories, or other Religious Houses, so subject to them as aforesaid; and this on forfeiture of everything they may have in their own power and that they can forfeit in future.

And moreover, the lord the King ordained and established that Abbots ^{The common} of the Cistercian and Premonstratensian orders and other Religious orders, ^{seals of Abbeyes.} whose seal hitherto has been wont to remain in custody of the Abbot and not of the Convent, shall have a common Seal from henceforth, and they shall deposit it in the custody of the Prior of the Monastery or House, and four of the most worthy and discreet of the Convent of that place, to be kept safe under the private seal of the Abbot of the same place; so that the Abbot or Superior who is over the house can by no means of himself make binding any contract or obligation, as heretofore he has been wont to do. And should it happen that any writings obligatory of donations, purchases, sales, alienations, or other contracts whatsoever, should be found sealed with any other seal than with such common seal kept as aforesaid, they shall be held altogether void and as of no force. But it is not the King's intention to exclude ^{Abbots aliens} Abbots, Priors, and other Religious persons, being aliens, by the Sta- ^{may visit their} tutes and ordinances above expressed, from exercising the office of ^{houses in} visitation in his kingdom and dominion, but they may visit freely, ^{England.} by themselves or others, the monasteries and other places subject to them in his aforesaid kingdom and dominion, according to the duty of their office, in those things only which appertain to the regular observance and discipline of their order; Provided, that they who exercise this office of visitation bring or procure to be carried outside the said kingdom and dominion, none of the goods or things of such Monasteries, Priories, and Houses, except only their reasonable and moderate expenses.

And although the pronouncing and publication of the before written ^{Commence-} ordinances and statutes, for certain reasons, and that they might ^{ment of the} proceed with the greater deliberation and completeness, remained ^{operation of} suspended from the last parliament to the present parliament at Carlisle, in the Octaves of Saint Hilary in the thirty-fifth year of the reign of the said lord King Edward, the lord the King, after full deliberation and debate had with the Earls, Barons, great men, and other nobles and the commonalty of his realm, touching the premises, with their unanimous agreement and consent, ordained and enacted that the aforesaid ordinances and statutes under the form, manner, and conditions above contained, from the 1st day of May next ensuing, shall be steadfastly observed to be of force in future times, and that offenders against them shall henceforth be subject to the penalties above prescribed.

1 EDWARD II. A.D. 1308.

[PLEA ROLL, 1 AND 2 EDWARD II. m. 76 f.]

ADHUC de cōibz plitis ap̄d Dubl̄n coram Joh̄e Wogan
Justiē Hib̄n a die s̄ci Joh̄is Bapt̄e in xv dies anno regni
R. Edwardi fit R. E. s̄cdo.

Angl.

Dñs Rex misit hic quoddam br̄e suū in hec verba :
Edwardus dei gr̄a Rex Angl̄ Dñs Hib̄n & Dux Aquit̄ dil̄co & fid̄
suo Johi Wogan Justiē suo Hib̄n sal̄m ; Quia pacem nr̄am p̄
totam l̄ram nr̄am Hib̄n firmiſ & inuiolabiliter obseruandam
opam instantē cepim⁹ adimplere & eo affectuosius quod ad hoc
vin̄clo astringim⁹ iuramenti & ad maliciam malef̄toſ & pacis
nr̄e pturbatoſ rep̄mend̄ expediens fore & vtile reputam⁹ qđ
statutū nup apud Wyntoñ editum in om̄ibz & sinḡlis suis artīclis
ac eciam quidam artīcli quos nup de consilio nr̄o p̄ conseruacōe
pacis nr̄e in Angl̄ & de moneta nr̄a nō mutanda nec cambienda
set p̄ tanto valore p̄ quanto currere consueuit currenda
ordinamus obseruandos & quos vobis mittim⁹ p̄sentibz inſclusos
p̄ totam l̄ram nr̄am Hib̄n firmiſ obseruent⁹ ; vobis mandam⁹
firmiſ iniungentes qđ statutū illud & artīclos p̄d̄cos in Ciuitatibus
Burgis villis m̄icatoriis & locis aliis tam infra Lib̄tates q̄m ext̄
ubi videritis expedire legi & publice p̄clamari obseruari fac̄
firmiſ & teneri, et in quolibet Cōm assignetis p̄ br̄ia nr̄a
sub sigillo nr̄o quo vtim⁹ in Hib̄n duos de pbioribz legalioribz &
discreciioribz Militibz eiusd̄m Comitatus put opus f̄uit vna cū
viē Comitāt⁹ illius ad p̄d̄ca statutum & artīclos obseruanda &

I EDWARD II. A.D. 1308.

STILL of common pleas at Dublin before John Wogan, Justiciar of Ireland, in fifteen days from the day of St. John the Baptist, in the second year of the reign of King Edward, son of King Edward.

The lord the king sent here a certain writ of his in England these words: Edward, by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to his beloved and faithful John Wogan, his Justiciar of Ireland, greeting. Inasmuch as we have taken instant pains to accomplish the strict and inviolate keeping of our peace throughout our whole land of Ireland, and with the more care because we are hereto bound by the bond of an oath, and [inasmuch as] for the repression of the wickedness of evildoers and disturbers of our peace, we think it will be expedient and useful that the statute lately published at Winchester, in all and singular its articles, and also certain articles which with our council we lately ordained to be observed for the preservation of our peace in England, and for not altering or exchanging our money, but for it to be current, for such value as it was accustomed to be current, and which we send to you enclosed in these presents, should be strictly kept throughout our whole land of Ireland, we command and strictly enjoin you that you cause that statute and the articles aforesaid to be read and publicly proclaimed in cities, burghs, market towns and other places, as well within liberties as without, where you shall deem it expedient, to be strictly kept and observed; and [that] in each county you appoint by our writs under our seal which we use in Ireland, two of the most approved, lawful and discreet knights of the said county, as need shall be, together with the sheriff of that county, to keep and guard the said statute and articles, and to do and fully perform all that

Statute of Winchester, and certain articles as to money, to be observed in Ireland.

Two knights and sheriff in each county to see

custodienda et omnia que ad ea pertinent facienda et pleni⁹ exequenda. Ita quod fideles nri et totus populus pciu illar sub nro regimine et domino¹ quocius et tranquillius viuere valeant vt optam⁹. T^o. meiso apud Langeleye vi die Jun anno r n p^omo.

Itm misit quoddam aliud bre hic in hec verba. Edwardus dei gra Rex Angl Dns Hibn et Dux Aquit ditco et fid suo Johi Wogan Justic suo Hibn salm. Intellexim⁹ a nonnullis quod q^ompres inimici nri et alii malefactores et pacis nre pturbatores homicidia incendia de^oda^oes et alia dampna g^ovissima nocte dieq in Hibn multiplici⁹ ppetrantes de Com in Com vagant^r et discurrunt ob defectu et negligencia plurimor qui a partibz quibz morant^r vsq ad ptes vicinas in quibz hui⁹moi mala pp^ontur ad defensionem et saluacoem pciu eardem in subsidiu vicinor suor ibidm habitanciū se distere recusarunt hactenus et recusant. Et quia ad pacem nram in terra p^odca inuiolabili⁹ observand quā cordi⁹ affectamus necnō ad maliciam et hostiles agressus hui⁹moi inimicor et malefactor virili⁹ rep^omentos expediens esse intendim⁹ pcul d[ubio]² et necesse quod omes et singli de quibuscumq Com ad pacem et fidem nram existentes vnanimes sint et concordēs [inter]² se ipos mutuo iuuantēs ad resistenciam cont^a inimicos et malefcores illos in quocūq Com vel pria ipos hui⁹moi in^ods[us]² facie contig^oit poten⁹ et virili⁹ faciendā; vob mandam⁹ quod de cōsilio nro pciu illar ordinetis et in singlis villis quibz e[xp]edi⁹ens videritis publice pelamari faciatis quod omes et singli de Com illo quē hui⁹modi inimici et malefcores agressi fūi[nt]² ad maliciam illos p cōserva^oe pacis nre et defensione

¹ So in MS. for domino.

² Torn.

appertains to them ; so that our faithful subjects and the whole people of those parts may be able to live more quietly and peaceably under our rule and government, as we wish. Witness myself at Langley, the 6th day of June, in the first year of our reign.

said statute
and articles
carried out.

Likewise he sent a certain other writ here in these words : Edward, by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to his beloved and faithful John Wogan, his Justiciar of Ireland, greeting. We have been informed by some that very many of our enemies and other evildoers and disturbers of our peace, frequently committing homicides, burnings, robberies and other very serious injuries, by night and day in Ireland, wander from county to county, and run to and fro, by reason of the default and negligence of most men, who have hitherto refused and do refuse to turn aside from the parts in which they live to the neighbouring parts in which such evils are committed, for the defence and safety of the said parts, to aid their neighbours who dwell there. And inasmuch as for the inviolable keeping of our peace in the said land, which we heartily desire, and also for the stern repression of the wickedness and warlike attacks of such enemies and evildoers, we deem it, without doubt, to be expedient and necessary that all and singular of whatsoever county, being of our peace and fealty, be of one mind and at unity among themselves, mutually aiding to make powerful and strenuous resistance against those enemies and evildoers, in whatsoever county or territory it may happen that they make such incursions ; we command you that with our council of those parts, you ordain and in every town where you shall deem it expedient, you cause to be publicly proclaimed, that all and singular of that county which such enemies and evildoers have attacked, in order to withstand their wickedness, for the preservation of our peace and the defence of the said parts

pciū p̄dcaꝝ repellendam q̄ociens opus fuit ⁊ eis inde p vt[esiā]¹
 ⁊ clamorē vī alio modo cōstitit cū toto posse suo se diſſe nō
 postponant ad dēos inimicos ⁊ malef̄cōres ta[m inf̄]¹ Liſtates
 q̄m ext̄ insequendos ⁊ eo potencius quo fieri poſit repellendos.
 Et si quos rebelles negligentes i[nueneritis]¹ in hac pte vī
 remiſſos eos tamq̄ pacis nre violatores ⁊ mandatoꝝ nroꝝ
 cōtemptores taliꝝ puniri faciatis [ut]¹ punicio illa timorem aliis
 p̄beat ſimilia comittendi. T̄meiꝑo aꝑd Langele v^{to} die Jun
 anno r̄ n̄ p[mo]¹.

Statutū
 Wynton.

Et ſup hoc miſit dñs Rex Juſtiĉ hic ⁊c T̄nſc̄ptū ſtatutū
 Wynton cuſtodiend ⁊ obſervand in hac ira in h . . . ſiml
 cū voluntate dñi R de tenore p̄mi b̄ſis hic—Dñs Rex de conſilio
 ſuo aꝑd Weſt̄m xvii^o die Marci [anno]¹ regni ſui p̄mo
 ordinauit qđ ſtatutū aꝑd Wynton editū in oibz ⁊ ſinglis ſuis
 artiĉlis p totam lram Hib̄n firmiꝝ obſeruet̄ [et q̄]¹ ſtatutū
 illud in ſinglis Ciuitatibz lre p̄dce necnō in Ciuitatibz Burgis
 hund̄ villis ſicatoriis ⁊ locis aliis ibidem [tam] infra Liſtates
 q̄m ext̄ ⁊ vbi magis videbit̄ expedire publice recitet̄ cuſtodiat̄
 ⁊ in ſinglis ſuis artiĉlis ut p̄dcm̄ est [firmiꝝ] obſeruet̄. Et ſi
 qui in lra p̄dca jux^a form^a ſtatuti attachiabiles inueniri cōtiġit
 attachient̄ ⁊ ſaluo cuſtodiant̄ don^o dē[s]¹ dñs R aliud inde
 p̄cepit. Et ſi forte diffuġint tunc p poſſe ſingloꝝ Comitatuū
 eiꝿdem lre ſi neceſſe fuit aſſumptū cū omni diligencia
 p̄ſeq^{nt} de Hund̄ in Hund̄m de Coꝛn in Coꝛn tam inf̄ Liſtates
 q̄m ext̄ jux^a form^a ſtatuti p̄dci quouſq̄ arreſtent̄ ⁊ arreſtati
 ſaluo cuſtodiant̄ in forma p̄dca. Vult ⁊ dē dñs R qđ ex pte

¹ Torn.

as often as need shall be, and they be assured thereof by hue and cry, or in any other manner, delay not to turn aside with all their power to pursue the said enemies and evildoers, as well within liberties as without, and to withstand them as strongly as can be done. And if you shall find any disobedient or negligent in this behalf, or remiss, you cause them to be punished as breakers of our peace and despisers of our commands, in such manner that that punishment may inspire others with fear of committing similar acts. Witness myself at Langley, the 5th day of June, in the first year of our reign.

And hereupon the lord the king sent to the Justiciar here, &c., a transcript of the statute of Winchester, to be kept and observed in this land . . . together with the will of the lord the king concerning the tenor of the first writ here.

All of a county attacked to pursue the enemy, &c.

Statute of Winchester to be observed in Ireland

The lord the king, by his council at Westminster, on the 17th day of March, in the first year of his reign, ordained that the statute published at Winchester be strictly kept in all and singular its articles throughout the whole land of Ireland, and that that statute in every city of the said land, and also in the cities, burghs, hundreds, market towns and other places there, as well within liberties as without, and where it shall be deemed most expedient, be publicly read, kept, and in every of its articles as is aforesaid, strictly observed. And if it happen that any persons are found in the said land to be attachable according to the form of the statute, that they be attached and kept safely, until the said lord the king have given other order thereupon. And if perchance they flee, then in proportion to the power of every county of the said land, if it be thought necessary, that they with all diligence pursue them from hundred to hundred, from county to county, as well within liberties as without, according to the form of the aforesaid statute, until they be arrested, and being arrested, they be kept safely in form aforesaid. The said lord the king also wills that,

sua ꝑcipiat^r firmi^ꝑ & injūge[t^r]¹ ōibz Ballis & Constabula^r in villis & hund^r ꝑ conserua^ꝑoe pacis sue in ꝑd^ꝑis Comitati^ꝑz deputatis tam infra Libtates q^m ext^a qđ ipi eandem diligenciā ꝑ pacis ipius R. cōserua^ꝑoe apponant & tair se hēant in hac pte ne penam in d^ꝑo statuto cōtentam incurrant & nichomin^ꝑ inꝑsonent^r & g^aui^ꝑ ad voluntatē d^ꝑi R. redimant^r ab eadem. Et si qui in Comitati^ꝑz ꝑed^ꝑis sup ꝑmissis exequendis cōtrarii inuenti sūint aut rebelles, tūc ipi ꝑ eoꝝ corꝑa arrestent^r & saluo custod[ient^r]¹ don^ꝑ idem d^ꝑs R. aliud inde manda^ꝑit. Vult eciam ꝑd^ꝑs d^ꝑs R. & ꝑcipit firmi^ꝑ qđ in singlis locis Comitatuū ꝑd^ꝑoꝝ publice distincte & apte det^r s[ciri]¹ ōibz & singlis ex pte sua qđ ipse monetam suam tanti ponderis tantiq^ꝑ valoris in ōibz existere q^anti moneta d^ꝑi E. ꝑris sui fuit & in eadem moneta nōis sui supsc^ꝑpsionem veraci^ꝑ esse attendēs nō vult monetam illam mutare seu cambire nec vult qđ moneta illa nec moneta de cuneo ꝑre sue Scocie quā currere & recipi vult sicut tempe d^ꝑi ꝑris sui currere & recipi cōsueuit, licet nōis sui supsc^ꝑp^ꝑco nō sit in eadē vilipendant^r seu refutant^r; nec etiam qđ aliqua bona victualia seu ꝑicandise quecūq^ꝑ vlt^a verū valorē eoꝝdem oc^ꝑcone monetaz illaz car[ius]¹ q^m tempe eiusdem ꝑris sui vendi cōsueuēnt vendant^r decepto v^ꝑ emant^r maxime cū monete ille tantū valeant hiis diebz q^antū monete d^ꝑi ꝑris sui valūūt. Et vt hec ordinacō sua de moneta & de rebz venalibz in singlis Ciuitati^ꝑz Burgis villis ꝑicatoriis in Cofm ꝑd^ꝑis firmiter & inuiolabi^ꝑr obseruet^r ad eligend^ꝑ & assignand^ꝑ nōie suo de quatt Ciuitate duos Ciues & de quoft B[urgo]¹ duos Burgenses, necnō

¹ Torn.

• Erased.

on his behalf, it be strictly commanded and enjoined to all bailiffs and constables in towns and hundreds, appointed for the preservation of his peace in the said counties, as well within liberties as without, that they bestow the same diligence for the preservation of the peace of the said king, and so behave in this behalf that they may not incur the punishment contained in the said statute, and nevertheless that they be imprisoned and heavily ransomed therefrom at the will of the lord the king. And if any be found in the counties aforesaid, hindering the execution of the premises, or disobedient, then that they be arrested by their bodies and kept safely till the said lord the king give other command thereupon. The aforesaid lord the king also wills and strictly commands, that in every place of the counties aforesaid it be publicly, plainly and openly made known to all and singular, on his behalf, that he, noticing that his money is of such weight and such value, in all points, as the money of the lord Edward his father, and that upon the said money there is truthfully the superscription of his name, wills that the said money be not altered or exchanged, and that neither that money nor money of the die of his land of Scotland, which he wills to be current, and to be received as it was wont to be current and to be received in the time of his said father, although the superscription of his name be not thereon, be depreciated or refused; nor further that any goods, victuals or merchandise whatsoever henceforth be sold or bought beyond their true value, by reason of those moneys, at a dearer price than they were wont to be sold in the time of his said father, particularly since those moneys are worth as much in these days as the moneys of his said father were worth. And in order that this his ordinance concerning money and things for sale may be strictly and inviolably kept in every city, burgh and market town in the said counties, [the king wills] to choose and appoint in his name two citizens from each city, and two burgesses from

The king's money not to be altered or exchanged.

de qualt villa micatoria duos p[ro]bos & leg[is] h[om]ines de Com[uni] p[ro]d[ic]tis qui p[re]stato sa[cro]¹ coram vi[c] & illis Militib[us] qui ad p[re]missos c[on]servac[i]o[n]em assignent[ur] p[re]missa o[mn]ia & singula in Ciuit[ate] Burg[um] & villis p[ro]d[ic]tis districte & firmit[er] faciant obseruari. Idem d[omi]n[us] R[ex] vult q[uo]d p[er] b[er]e suu[m] sub sigillo suo quo vtit[ur] in Hib[ernia] vi[c] & Militib[us] p[ro]d[ic]tis in singlis Comitatus ibidem co[m]missio sua fiat in hac p[ar]te. [Vult]¹ insup[er] p[re]fatus d[omi]n[us] R[ex] q[uo]d si qui p[ro]d[ic]te ordinac[i]o[n]i sue cont[ra]rii aut rebelles monetam suam p[ro]d[ic]tam vilipendentes aut etiam foristallarii aliqui qui emint v[el] arra[n]t bona alio[rum] vt sic postmodu[m] p[er] m[an]us¹ suas p[re]p[ar]as carius ea vendant ad tocus populi sui det[ri]mentu[m] inueniri contigit, p[er] eos corpa att[ra]hient¹ & saluo custodiant[ur] don[ec] ipe d[omi]n[us] R[ex] aliud inde p[re]cepit.

¹ Illegible.

each burgh, and two approved and lawful men from each market town of the counties aforesaid, who taking an oath before the sheriffs and those knights, who shall be appointed for the maintenance of the premises, shall cause all and singular the premises to be strictly and steadfastly kept in the cities, burghs and towns aforesaid. The said lord the king wills that by his writ under his seal which he uses in Ireland, his commission may be made to the sheriffs and knights aforesaid, in every county there, in this behalf. Further the said lord the king wills, that if any happen to be found opposing his said ordinance, or disobedient, by depreciating his said money, or further any forestallers who shall buy or give earnest for the goods of others, that so afterwards they may by their own hands sell them at a dearer price, to the injury of all his people, that they be attached by their bodies, and kept safely until the said lord the king give other order thereon.

Persons to be
appointed for
carrying out
the above.

1 EDWARD II. A.D. 1308.

THE STATUTE OF WINCHESTER.¹

[Enacted in England, 13 EDWARD I., A.D. 1285].

Fresh suit shall
be made after
felons from
town to town.

I. Forasmuch as from day to day, robberies, homicides, and burnings are more frequently committed than heretofore they were wont to be, and felons cannot be attainted by the oath of jurors, who had rather suffer felonies committed against strangers to pass without penalty than indite the offenders, of whom great part are people of the same country, or at the least, if the offenders be of another country, their receivers are of the neighbourhood; and this they do, because an oath is not put unto jurors, nor upon the country where the felonies were committed, as to the restitution of damages; hitherto no penalty has been provided for their concealment and their laches; our lord the King, to abate the power of felons, has established a penalty in such case, so that from henceforth, for fear of the penalty more than for fear of any oath, they shall not spare any, nor conceal any felonies; and he commands that proclamation be solemnly made in all counties, hundreds, markets, fairs, and all other places where there shall be a formal assemblage of people, so that none may be able to excuse himself by ignorance, that from henceforth every country be so well kept, that immediately after the commission of robberies and felonies fresh suit be made from town to town, and from country to country.

Inquests of
felonies.

II. Likewise, if need require, that inquests be made in towns, by him who is sovereign of the town, and afterwards in hundreds, and in franchises, and in counties, and sometimes in two, three or four counties, in cases where felonies shall be committed in the marches of counties, so that the offenders may be attainted. And if the country answer not for such manner of misdoers, the penalty shall be such, that every country, that is to say, the people dwelling

¹ The text taken from the Statute Roll (Engl.) m. 41, is printed in *Statutes of the Realm*, I., p. 98. This statute was ordered to be observed in Ireland by the ordinance made at Westminster, 17th March, 1308, quoted in the preceding document.

in the country, be answerable for the robberies committed, and for the damages; so that the whole hundred where the robbery shall be committed, with the franchises that are within the precinct of the same hundred, be answerable for the robbery done. And if the robbery be committed in bounds between hundreds, that both the hundreds, together with the franchises, be answerable; and after that the felony or robbery is done, the country shall have no longer space than forty days, within which it shall behove them to make satisfaction for the robbery and offence, or else that they answer for the bodies of the offenders.

The hundred answerable for robberies.

The country shall have but forty days.

III. And forasmuch as the King wills not that his people should be suddenly impoverished by reason of this penalty, which may seem hard to anyone, he grants that it be not incurred immediately, but that the penalty be respited until Easter next following, and within that time the King shall see how the country shall bear itself, and whether such robberies and felonies shall cease. After which term let all be assured, that the aforesaid penalty shall run generally, namely, that every country, that is to say, the people dwelling in the country, be answerable for robberies and felonies committed in their country.

Commencement of this statute.

IV. And for the greater security of the country, the King commands, that in the great towns, which are enclosed, the gates be closed from sunset until sunrise; and that no man lodge in the suburbs, or in any foreign part of the town only in the daytime, nor yet in the daytime, if the host will not answer for him; and that the bailiffs of towns every week, or at the least every fifteenth day, make inquiry as to all persons lodging in the suburbs, and in foreign parts of the towns; and if they find any who receives or lodges in any manner persons who may be suspected of being against the peace, that the bailiffs do right therein. And it is commanded, that from henceforth watches be kept, as has been used in times past, that is to say, from the day of the Ascension to the day of St. Michael, in every city by six men at every gate; in every borough by twelve men; in every town by six men or four, according to the number of the inhabitants who dwell [in the town], and that they keep watch continually all night, from sunset to sunrise. And if any stranger pass by them, that he be arrested until morning; and if no suspicion be found, that he go quit; and if they find cause of suspicion, that he be delivered to the sheriff forthwith, and that he receive him without danger, and keep him safely, until he be liberated in due manner. And if they will not suffer

At what time gates of towns shall be opened and shut.

Lodgers in the suburbs.

At what time the night watch shall begin and end.

Strangers may be arrested by the night watch;

or hue-and-cry themselves to be arrested, that hue-and-cry be raised against them, and those who keep watch follow with all the town, with the towns near, with hue-and-cry from town to town, until they be taken and delivered to the sheriff, as before is said; and for the arrest of such strangers, that none be called in question.

Highways to market towns shall be enlarged.

V. And further, it is commanded, that highways from one market town to another be enlarged, where there are woods, hedges, or ditches, so that there be neither ditches, underwood, nor bushes wherein a man may lurk to do hurt, near the road, within two hundred feet on the one side, and two hundred feet on the other side, provided that this statute extend not to oaks, or to great woods, so as it be clear underneath. And if by default of the lord who will not abate the ditch, underwood, or bushes in the manner aforesaid, any robberies be done, that the lord be answerable therefor; and if murder be done, the lord make fine at the King's pleasure. And if the lord be not able to clear away the underwood, that the country aid him in doing it. And the King wills, that in his demesne lands and woods, within his forest and without, the roads be enlarged as aforesaid. And if, perchance, a park be near the highway, it is requisite that the lord of the park diminish his park, so that there be a space of two hundred feet from the highway, as before said, or that he make such a wall ditch, or hedge, that evil doers will not be able to pass or return, to do evil.

The lord answerable.

Parks adjoining highways.

What armour each person shall have in his house.

VI. And further, it is commanded, that every man have in his house armour, to keep the peace, according to the ancient assise; that is to say, that every man between fifteen years of age, and sixty years, be assessed and sworn to arms, according to the quantity of their lands and chattels; that is to say, for fifteen pounds [value of] lands, and chattels of forty marks, an hauberk, a headpiece of iron, a sword, a knife, and an horse; and for ten pounds of land, and twenty marks of goods, an hauberk, a headpiece, a sword, and a knife; and for one hundred shillings of land, a doublet, a headpiece of iron, a sword, and a knife; and for forty shillings of land and more, up to one hundred shillings, a sword, a bow, arrows, and a knife; and he that has less than forty shillings in land, be sworn to gisarms, knives, and other small arms; and he that has less than twenty marks in goods, have swords, knives, and other small arms. And that all others who can have them, have bows and arrows out of the forest, and in the forest, bows and bolts, and that view of arms be made thrice every year. And that in every hundred and franchise two constables

View of arms.

be elected, to make the view of arms; and that the constables afore-
 said present before the justices assigned, when they shall come to the
 country, the defaults that they shall have found in arms, and in
 suits of towns, and in highways; and also present those who lodge
 strangers for whom they will not answer, in country towns. And
 that the justices assigned present at every parliament unto the King,
 and the King shall provide remedy therein. And that from henceforth
 sheriffs and bailiffs within franchises and without, be they greater or
 lesser, who have any bailiwick or forestry in fee, or otherwise,
 take good heed that they follow the cry with the country; and as they
 are able, that they have horses and arms, so to do; and if there be any
 that do not, that the defaults be presented by the constables to the
 justices assigned, and afterwards by them to the King, as aforesaid.
 And the King commands and forbids that from henceforth, for the
 honour of Holy Church, fairs or markets be held in church-yards.

Presentment of
 offences
 against this
 statute.

Fairs and
 markets shall
 not be held in
 church-yards.

Given at Winchester, the eighth day of October, in the thirteenth
 year of the King's reign.

3 EDWARD II. A.D. 1310.

[PATENT ROLL 3 EDWARD II. m. 3 f.]

art. 44.

PARLIAMENTUM DE KYLKENNY.¹ R. Ričo de Burgo Com Vltōñ salīm. Quia sup quibusdam arduis negotiis nos et statū pre nre cōtingentibz vobiscū here volum' t'ctatū spālem vobis mandam' qđ sitis in pp'a psona v̄ra apud Kylkenñ die Lune in Octabis Puř be Marie ad t'ctand et pliamentand cū Justic nro Hibñ et aliis de cons et cū cēfis pceribz et magnatibz pre nre sup eisdem negotiis. Et hoc nullaten' omittatē in fide qua nob tenemini et heatis ibi hoc bfe. T'. J. Wogan ec. apud Dublin vij die Jan anno r̄ n̄ p̄cio.

art. 45.

Consimilia bria mandata sunt difsis hoibus in Hibñ, videlicet.

Johi de Barry	Matho de Cauntetoñ
Johi de Cogan	Wilfo de Cauntetoñ
Mauř de Carru	Reymūdo Lercedekne
Mauř de Rocheford	Nicho de Cury
Johi le Poer de Donyl	Pho de Barry de Carrigdonegan
Johi le Wyte Poer	Pho de Barry de ²
	Robto de Barry
Ričo le Waleys	Simoni de Genuiñ
Jacobo de Ketýng	Ričo de Exonia
Ričo de Valle	Nigello le Brun
Walfo de Valle	Johi de Staunton
Wilfo de s̄co Leodař	Walfo de Lacy
Walfo le Bret	Hugoni de Lacy
Wilfo de Burgo	Johi Tuyt
Jordano de Exoñ seniori	Ričo fit Johis
Jordano de Exoñ Juniori	Walfo de Cusak

¹ The enactments of this parliament were confirmed by a later one held at Kilkenny, 19 Ed. II.

² Obliterated.

3 EDWARD II. A.D. 1310.

[PARLIAMENT OF KILKENNY.]

THE King to Richard de Burgo, earl of Ulster, greeting.
 Inasmuch as upon certain difficult matters concerning us and the state of our land, we are desirous of specially treating with you; We command you that you be in your own person at Kilkenny, on Monday in the Octaves of the Purification of Saint Mary, to treat and deliberate with our Justiciar of Ireland and others of the Council, and with other nobles and magnates of our land, upon these matters; and by no means neglect this, on the fealty by which you are bound to us; and have there this writ. Witness J. Wogan, &c., at Dublin, the 8th day of January, in the third year of our reign.

Like writs are sent to divers men in Ireland, namely:—

John de Barry.	Matthew de Caunteton.
John de Cogan.	William de Caunteton.
Maurice de Carru.	Raymond the archdeacon.
Maurice de Rocheford.	Nicholas de Curcy.
John le Poer of Dunhill.	Philip de Barry of Carrig- donegan.
John le Wyte Poer.	Philip de Barry of . . .
	Robert de Barry.
Richard le Waleys.	Simon de Genvill.
James de Ketyng.	Richard de Exeter.
Richard de Valle.	Nigel le Brun.
Walter de Valle.	John de Staunton.
William de St. Leger.	Walter de Lacy.
Walter le Bret.	Hugh de Lacy.
William de Burgo.	John Tuyt.
Jordan de Exeter, the elder.	Richard, son of John.
Jordan de Exeter, the younger.	Walter de Cusak.

Johi de Boneuilt
 Galfro le Bret
 Regiñ Russel
 Pfo Xpofre
 Miloni de Curcy
 Nicho fit Maur
 Georgio de Rupe
 Wilto de Rupe
 Johi fit Th Lengleys

David de s̄co Albino	Simoni ffeypo
Riço Tuyt	Riço Taaf
Wilto de Londoñ	Thome de Maundouilt
Baldewyno le flēmȳg	Hugoni Byset

Johi Bȳset
 Alano fit Warini

Pfo de Maundouilt	Edm̄ de Penbrok
Walfo de Sey	Hugoñ Byset
Wilto le fyz Waryn	Petro de Maundouilt
Thome le fyz Wal	Rogo de s̄co bosco
Pagano de Eledoune	Michi de Kylkenan
Robto psone	Walfo Sarexyn
Nicho le Blund	Hugoni de Balydouenald
Wilto Strangbowe	Henr̄ Ep̄ clogher
Wilto Taaf	Matho fit Hugoñ de Hanewode
Johi fit Martini de Maundouilt	Johi fit Alani de Logan
Ade de Logan	Miloni de Eldoune
Pfo de Borquei	Johi Talbot
Henr̄ le flemyng	Riço le Sauage
Johi Scargyl	Wilto Calf
Thome le Tajllur	Alano de Insula

John de Bonevill.
 Geoffrey le Bret.
 Reginald Russell.
 Philip Christopher.
 Milo de Cury.
 Nicholas, son of Maurice.
 George de Roche.
 William de Roche.
 John, son of Thomas Lengleys.

David de St. Aubin.	Simou Feypo.
Richard Tuyt.	Richard Taaf.
William de London.	Thomas de Maundevill.
Baldwin le Flemyng.	Hugh Byset.

John Byset.
 Alan, son of Warine.

Philip de Maundovill.	Edmond de Pembroke.
Walter de Sey.	Hugh Byset.
William le fyz Waryn.	Peter de Maundovill.
Thomas le fyz Walter.	Roger de Holywood.
Pagan de Eledoune.	Michael de Kylkenan.
Robert of the parson.	Walter Sarexyn.
Nicholas le Blund.	Hugh de Balydouenald.
William Strangbowe.	Henry, bishop of Clogher.
William Taaf.	Mathew, son of Hugh de Hane-
John, son of Martin de Maun-	wode.
dovill.	John, son of Alan de Logan.
Adam de Logan.	Milo de Eldoune.
Philip de Borquei.	John Talbot.
Henry le Flemyng.	Richard le Savage.
John Scargyl.	William Calf.
Thomas le Taillur.	Alan de Insula.

Willo Byset
 Ričō Slemeryche
 Miloni de Swerdes
 Huſto Byset
 Huſto le Waleys
 Johi de Langetoñ
 Johi Pynzebek

m. 4 f.
 art. 68.

Et dñs Rex mandauit om̃ibz vič suis de ſra ꝑdca qđ venire
 fač ibidem ad diem ꝑdcm de quolibz Coñ duos Milites. Et de
 qualibet ciuitate vī Burgo duos Ciues vī duos burgenſ hentes
 plenam ꝑtatem ex pte Coñ ꝑdcoꝝ Coñ Ciuitatum et Burgoꝝ
 ad ꝑliamentand tctand ꝛ ordinand cū ꝑdco Justič ꝛ conſ nro
 ꝛ cū cetis ꝑeeribz ſre ꝑdce ſup eiſdem negotiis ꝛ ad faciend
 ꝛ consenciend ordinačoiſz ibidem ꝑ iꝑos ordinand.

Ad quem diem ꝑdceus Justič ꝛ alii de conſ dñi R ibidem
 existentes congregatis corā iꝑis om̃ibz ibidē ſumonitis
 ostenderūt ex pte dñi R quandam ꝑetičōem sub forma que
 ſequitꝝ tenore verboꝝ — Por coe q̃ toutes choses vendables
 ſunt encheriz trop outꝛouſement autrement q̃ ne furent en nul
 temps e encheriſcent de iour en Iorr a gꝛunt damage du Roy
 e du pople de ſa ſre Dyrlaunde, Prie le dit nre ſeignꝝ le Roy
 ꝑ ſa Justice ꝛ ſon conſail q̃ ci eſt a ꝑreles Countes e Barouns e
 autres bones gens de la cōmunyaute de la ſre q̃ ſunt venuz ꝑ
 ſomunce q̃ en la foy qil deyuent a li e a ſa corone voillent de
 ceſtes choses ꝛ de autres q̃ touchent la garde la ꝑees de la ſre
 Dyrlaunde veer les defautes e ſur ycoe e autres choses q̃ plus
 plenement ſront muſtrez ꝑ la dite Justice mettre tiel conſail
 tiel remedye e tiel eyde qil ſoit a lonur de dex e de ſeynte
 Eglise e a cōmun ꝑfit du Roy e du pople de ſa ſre Dyrlaunde
 auaunt dite. E pur coe q̃ ſemble acombrouſe choſe q̃ tous

William Byset.
 Richard Slemeryche.
 Milo de Swords.
 Hubert Byset.
 Hubert le Waleys.
 John de Langeton.
 John Pynxebek.

And the lord the King commanded all his sheriffs of the aforesaid land, that they should cause to come there at the day aforesaid, of every county two knights, and of every city or burgh two citizens, or two burgesses, having full power on behalf of the communities of the aforesaid counties, cities and burghs, to parley, treat and ordain with our said Justiciar and Council, and with the other nobles of the said land upon these matters, and to do and agree in the ordinances there by them to be ordained. Sheriffs to summon representatives.

At which day the aforesaid Justiciar and others of the Council of the lord the King there being, all who were summoned thither being met together before them, presented on behalf of the lord the king a certain request in the form which follows in the tenor of these words :—Whereas all things saleable are become so excessively increased in price, otherwise than they were at any time, and they increase in price day by day, to the great damage of the King and of the people of his land of Ireland, our said lord the King, by his Justiciar and his Council here present, prays the prelates, earls and barons, and other good men of the community of the land who are come by summons, that on the fealty that they owe to him and to his crown, they will, of those things and of others which touch the preservation of the peace of the land of Ireland, see into the defaults, and on this and other things that shall be more fully shown by the said Justiciar, afford such counsel, remedy and aid as may be for the honour of God and of Holy Church, and to the common profit of the King and of the people of his land of Ireland aforesaid. And forasmuch as it seems a cumbrous proceeding King requests their counsel and aid.

ceaux q̄ sunt venuz p sumounce seýent ordinurs de cestes choses, p^{le} n^{re} seign^r p sa Justice e sun consaýl q̄ ci est q̄ toute la cōmune elyserit deus prelas ou deus autres pdoms hōmes e q̄ eaux quatre elisent de eaux memes e des autres des plus sages q̄ ci sunt xvj q̄ melx sachent voillent e puissent p assent de la cōmūaute auaunt dite consaýl eyde e remedye mettre ou le consaýl le Roý en la forme auaunt dite. Pretextu cui⁹ petiçois e¹ itas ad βdca faciend e ordinand eligunt Eþm Ossoř Eþm lýtñ Eþm Imet Joþem de Barry Eustach le Poer quiquidm etci eligunt ad se Eþem Leghlyñ Coñ Ultoñ Plorem Hospital sc̄i Johis Jerlm in Hibñ Mauř de fforte Jordanū de Exoñ seniorē ffulconē de ffraxineto Joþem de Druýl Walřm Wogan Wilřm de Rupe Hugoñ Canouñ e David le Maziner, qui sþalit^r ad hoc iur̄ t^retarūt adiunctē cū delib⁹açone e tam de assensu e de cōsensu e Iustiç e cōs dñi R^e q^m cōitatis βdce ordiñunt e ad ppetuam rei memoriam statuerunt quasdam ordinaçones sub hac forma que sequit^r tenore verboꝝ eç.

Les p^{nc}ipales causes p^r quei toutes choses vendables sunt encheriz souent p^r coe q̄ marchaun^s est[rangers e]¹ autres passaunt p pays sount robez de lur biens p ceux de g^{nt} lygnage ver quels il vnt en plusours fois ca en arire peý de recořder ou¹ est .¹ e enp^{is}onez e detenuz en boýs taunt qil seýent reyns a la volente des tiels meffesours. Et p^r coe auxi q̄ tiels meffesours pñent auxi bien en viles come de boýs payñ vñ ðuoise chars e autres vitaylles e choses vendables ou kil seýent saun^s renable paye fere par quei marchaun^s nosent p pays passer marchaundyse mener ne mustrer nyent plus denz ville q̄ de bois, Acorde est p cōmun assent¹ cōmun conseil de la t^re com de cōmun

¹ Obliterated.

that all those who have come by summons should be ordainers of these things, our lord, by his Justiciar and his Council here present, prays that all the assembly choose two prelates with two other men of note, and that these four choose of themselves and others, the wisest that are here, sixteen who best know how, are willing and able, by the assent of the community aforesaid, to afford counsel, aid and remedy [in conjunction] with the King's Council, in the form aforesaid.

By reason of which request, and . . . the community <sup>Special coun-
cil elected.</sup> elected, to perform and ordain the aforesaid things, the Bishop

of Ossory, the Bishop of Lismore, the Bishop of Emly, John de Barry, Eustace le Poer, who being chosen, elected to join them, the bishop elect of Leighlin, the Earl of Ulster, the Prior of the Hospital of St. John of Jerusalem in Ireland, Maurice de [Roche]fort, Jordan de Exeter, the elder, Fulk de la Freigne, John de Druy, Walter Wogan, William de Roche, Hugh Canoun, and David le Maziner; who being specially sworn for this purpose, treated together with deliberation, and as well with the assent and consent of the Justiciar and Council of the lord the King as of the community aforesaid, ordained and in perpetual remembrance of the matter, enacted certain ordinances in the form of words which follow.

The principal causes why all things saleable are often increased in price are because that merchants [strangers and] <sup>Causes of,
dearness of
provisions.</sup> others passing through the country are robbed of their goods by those of great lineage, against whom they have frequently heretofore had small means of recovery, . . . and imprisoned and detained in woods at the will of such malefactors, until they be ransomed; and because also such malefactors take, as well in towns as in the woods, bread, wine, beer, flesh, and other victuals, and things saleable, wherever they be, without making reasonable payment, by reason whereof merchants dare not pass through the country, to convey or expose their merchandise any more in the town than in the wood. It is agreed by common assent [as well] of the common council of the land, as of the common council of the

[con]'sail le Roy q̄ chekun cheif de g^{unt} lygnage enp^{igne} chastier ceaux de sun lygnage¹ la Ley solome . . .¹ poor. E si par cas un cheyuytaÿn de lygnage ne soit mye assez pur iusticer les mefessurs¹ iustice q̄ oue le eyde des autres cheuetayns oue le poer le Roy des . . .¹ q̄ sount¹ e a toutes les autres choses q̄ a la garde de la pees le Roy apendent lealment fere¹ de li se conussent estre tenuz e solom ceste ordinance¹ q̄ en chekun Counte seyent establyz dex pdoms hōmes ou plus¹ pdoms hōmes ou plus sil eyent ensemblement ou le vescounte e Coron^s¹ enquere de tutz man^s meffesours e memes iceaux chastyer e enp^{ison}er e¹ q̄ le Roy a coe assignera.

Acorde est auxi p^r bien de la pees ke p^r amendement¹ cest asaÿ de la Moneye⁽²⁾ e des forstaillurs⁽²⁾ de Marche¹ p^r la pees garder¹ e puplie e ferment tenus en tous ces poÿns de¹ E p^r coe q̄ marchauns e la cōmune de pople de ceste lre sunt . . .¹ poÿlyz e destruit p les p^{ises} de g^{unt} seign^s de la lre q̄ p^{nent} la il vount p pays coe q̄ lur pleist sauns renable pae ou gre fere a ceaux de qi les choses sunt p^{ises}. E auxi de coe qil vount soiorfi de gre e h̄beg^g oue bonez gens du pays contre lur volente p^r eaux destrure e enpoÿier,

¹ Obliterated.

² Lynch, in his *Legal Institutions, &c., Ireland*, p. 63. says that the statutes of arms, money, and forestalling were confirmed by this enactment. Statutes concerning false and other money were made 37 Ed. I. and 23 Ed. I.

³ Printed as chap. I., Statutes 1310, in *Statutes of Ireland*, ed. Sir Richard Bolton, 1631.

King, that every chieftain of great lineage take on himself to punish those of his own lineage Every chieftain to punish those of his own race.

the law according to his power. And if by chance a chieftain of lineage be not sufficient to bring to justice the malefactors that the Justiciar with the help of the other chieftains, with the King's power

. and all the other things that to the preservation of the King's peace belong loyally to do

. acknowledge themselves to be held and according to this ordinance

. that in every county be established ten men of note or more Ten in each county, with the Sheriff and Coroners, to hold enquiry and punish evil-doers.

men of note or more, if such there be, together with the Sheriff and Coroners,

. enquire of all manner of malefactors, and these same to punish and imprison and

. whom the King shall assign for that purpose.

It is agreed also for the good of the peace that for the amendment

. that is to say, of money, and of forestallers of the Money. market, for the preservation of the peace and published, and firmly held in all these points

And whereas merchants and the common part of the people of this land are [much] impoverished and oppressed by the prises of great lords of the land, who take what they will through the country, as it pleases them, without making reasonable payment or satisfaction with those from whom the things are taken; and also whereas they will sojourn at their pleasure, and lodge with the good people of the country against their will, to destroy and impoverish them, It is agreed and assented that no such prises be henceforth made, without reasonable payment or satisfaction being made, and that no one

No prises to be made with-

Acorde est e assentu q̄ nuls teles p'ses seyent decý en
aunant fetes saunz renable paye ou gre fere. E q̄ nul ne
Oberge ne soiorne a meýson de autri p̄ tiel malice encon^p le
gre de celi q̄ la mesoun est p^r ses biens destrure. E si nult
le fet seyent tieles p'ses.¹

¹ The entry in the roll is incomplete.

lodge or sojourn at the house of another, through such evil motive, against the will of him whose house it is, to destroy his goods, and if any do it, such prises [and such manner of destructions shall be held for open robbery, and the King shall have the suit thereof, if others will not, nor dare not sue.]¹

out payment
or agreement
No one to
lodge with
another
against his
will.

[In Sir Richard Bolton's edition of the *Irish Statutes* (1621), the following, which are not found in the *Patent Roll* (above) or in the entry in the *Red Book of the Exchequer of Ireland*, which follows, appear as Chapters II. and V. respectively of the *Statutes enacted in this Parliament of 1310*.

It is agreed also that none shall keep idle people nor kearn in time of peace, to live upon the poor of the country, but that those, which will have them, shall keep them at their own charges, so that their free tenants, nor farmers, nor other tenants be not charged with them. And if any idle man or kearn take anything of any person against his will, in the form aforesaid, the wardens of the peace and the sheriff of the county, where such act shall be done, shall do with him as with an open robber, as often as they shall have notice thereof, by indictment, or by the suit of the King or the party.

[CAP. II.]
Kearns and
idle persons
not to be
kept in time
of peace at
charge of
tenants.

It is ordained and provided that there shall be certain justices assigned to take the assizes of *Mortdauncestor*, and of *Novel Disseisin*, in all the counties of Ireland, and to deliver the gaols, in the same counties, and that they shall make estreats of the fines and amerciaments, chattels of felons and other manner of profits which appertain to the King, throughout their offices, and such estreats shall deliver into the Exchequer twice every year, that is to say, at Easter term and Michaelmas term.]

[CAP. V.]
Justices
assigned
to make
estreats of
fines for the
Exchequer.

¹ Supplied from *Statutes of Ireland*, 3 Ed. II. to 13 Jac. I., edited by Sir Richard Bolton, 1621.

3 EDWARD II. A.D. 1310.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 25.]

Capm. v.¹

A CORDE est ausint e assentu qe nul g^{nt} seign^r ne autre ne face duresces manaces noun duemēt² . . s p^r auoir de lour g^{nt} rauncoun par tiele voie de extorsion ne p^r doner les pteccion. E ceaux qi tieles manieres de ptecciouns dount ou receyuent autre qe le Rei ausibien . . .² le Receyuo^r cōme le donour a la volentee le Rei forsp^s soulement les seign^rs q̄ par resoun de lour reale fraunchise prount pteccioun doner donz lour fraunchises.

M^d.
Capm. vj.

Acorde est ausint e assentu qe si nul hōme fesse autre de sa fr̄e en lentente de aler de guer[re]³ ou de fere autre felonie, e apres la felonie fete de auoir ariere sa fr̄e auaundite qe [ti]³eles manieres de feffementz soient tenuz pur nuls. Mes tantost apres la felonie fe[te]² eit le Rei lan e le Wast^e de meismes les tenemēt^z e puis les eit le chief seign^r cōme sa eschete. Issint nep^rq^{nt} qe la verite du fet e la maniere du feffement seit p^{mes} enq^s [p]²ar brief de la Chauncelerie.

Capm. vij.

Acorde est ausint qe nul sur peyne de vie e de membre ne doune ne vende ne par nul art^e ne par nul engyn face auoir a null Engleis ne Irreis qi aptement countre la pees le Rey seit, vuyres ou vitailles ne autre chose qe aleir le puisse, ne oue luy ne tiegne pole ne cōpaignye ne luy face ne consail ne aide ne fauour ne luy doigne. Mes list a chescū qi a la pees le Rei seit a coure sur tiels manieres de felouns, e les destruyre t^{nt} quil se voillent faire iustizables a la pees le Rey.

Capm. viij.

Acorde est ausint p^r bien de la pees des pties de Leynestere q̄ si nul hōme Irreis ou Engleis seit de guerre en un des quatre Countees de Leynestere, qe toutz les quatre Countees

¹ The earlier part is wanting in the Red Book.² Obliterated.³ Torn

3 EDWARD II. A.D. 1310.

IT is also agreed and assented that no great lord or other person unduly make duress or menace [to anyone] to have of them great ransom by such way of extortion, or give them protection. And that those who give or receive such manner of protection, other than the King, as well the receiver as the giver, be at the will of the King, except only the lords, who by reason of their royal franchise, may give protection within their franchises.

CAP. V. (1)

None shall give protections but the King.

Lords of franchises. excepted.

It is also agreed and assented that if any man enfeof another of his land, with the intent of going to war or committing any other felony, and after the commission of the felony, to have again his aforesaid land, that such manner of feoffments be held for nought; but that presently after the felony committed, the King have the year and the wastes of the same tenements, and that afterwards the chief lord have them as his escheat, so nevertheless that the truth of the fact, and the manner of the feoffment be first enquired of by writ out of Chancery.

CAP. VI. (?)

Feoffments made with intent to rebel or commit felony void.

It is also agreed that no one, upon pain of life and limb, give or sell, or by any arts or contrivance, cause any Englishman or Irishman, who may be openly against the King's peace, to have provisions or victuals or any other thing that might be for his sustenance, or hold parley or company with him, or afford him counsel or aid or show him any countenance. But it shall be lawful for everyone who is in the King's peace, to pursue such manner of felons and destroy them, until they be willing to become amenable to the King's peace.

CAP. VII.

No one to supply victuals or aid to any in rebellion.

Pursuit of such.

It is also agreed, for the welfare of the peace of the districts of Leinster, that if any man, Irish or English, be at war in one of the four counties of Leinster, that all the four counties

CAP. VIII.

None at war in the four

¹ Printed in Sir Richard Bolton's edition of the Statutes (1621), as cap. III.

² Printed in same as cap. IV.

de Leynestere deynent tenir de guerre, issint qil ne seit receu a pees sauntz assent des señ des quatre Countees auauñditz, e taüt cōme nul seit issint de guerre nul des quatre Countees auauñditz, ne luy donne ne luy vende vyure ne vitailles, ne nule autre chose sicōme est auauñdit sur la peyne auauñdite.

Cap^m. ix.

Acorde est ausint e assentu qe ceaux qi vnt Pres en Marche facent garder lour M^rchez e si nul par lour neegligence e lour apte defaute e p^r lour veisins e les Pres des veisins destruyre, soeffrent de gree e p^r malice lour dites m^rches destruyre e p^r prendre par felouns Irreis ou autres la ou il les puissent auoir defenduz e poynt ne firēt ne fere ne voleient. Mes p^r lour apte defaute les passages e les chemyñs des marchātz e de autres qe sunt a la pees le Rei sont estopeez. E par taunt entree est done as Irreis felouns en les Pres de pees qi p^rprendrout e destruyrout les Pres veisines; en tiel cas list au Rei ou au chief seignur de qi les dites marches s^rrout tenues qe sul conquerent les dites Marches, de tenir les en lour mayns taüt qe les coustages luy soient renduz, les quels il auera mys aussi bien p^r la Pre conquerre cōme de le affermer e garder.

Cap^m. x.

Acorde est ausint qe defendu seit a toutz les Religious qe meynent en Pre de pees ou Pre Engleis qil ne receyuent en lour ordre ne en lour Religioun si ceaux noun qe sont de la nacioun des Engleis, e si autrement le facent le Rey se prendra a eux cōme a ceals qi sont despisours de son cōmaundement. E lour auowez se pñdrēt ausint a eux cōme a ceaux qi sunt desobeissauntz e cont^riauntz a ceste ordenaūce fete par le cōmun conseil de la Pre.

Cap^m. xj.

Acorde est ausint qe p^r ceo qe cestes ordenaunces sont si sollempnemēt fetes pur commun pñt de tote la Pre Dirlaunde, sil ne soient fermemēt tenues e gardees sans blemysement en nul poynt par durablement, g^{nt} damage s^rreit a tote la Pre auauñdite soient les articles des ordenaunces

of Leinster ought to hold him as at war, so that he be not received to peace without the assent of the seneschals of the four counties aforesaid, and so long as any be so in rebellion, that no one of the four counties aforesaid give or sell him provisions or victuals or any other thing as aforesaid, upon the penalty aforesaid.

It is also agreed and assented that those who have lands in the march, cause their marches to be guarded, and if any, by their negligence and their open default, and so as to destroy their neighbours and their neighbours' lands, wilfully and of malice, suffer their said marches to be destroyed and taken by Irish felons or others, whereas they might have defended them, and they do it not nor are willing to do it; but by their open default, the passes and the roads used by merchants and others who are in the King's peace, are stopped. And thereupon entrance is given to Irish felons into lands at peace, who thus shall take and destroy the neighbouring lands; in such case, it shall be lawful for the King or the chief lord, of whom the said marches shall be held, if they conquer the said marches, to hold them in their hands until the charges be paid them, which they shall have expended as well in conquering the land as in securing and guarding it.

It is also agreed that it be forbidden to all the Religious who dwell in a territory at peace or in English land, to receive into their order or into their religion any, save those who are of the English nation, and if they do otherwise, the King shall act towards them as in the case of those who are despisers of his command; and their patrons shall demean themselves towards them as in the case of those who are disobedient and opposed to this ordinance, made by the common council of the land.

It is also agreed that, inasmuch as these ordinances are thus solemnly made for the common benefit of the whole land of Ireland, if they be not firmly held and kept without infringement in any point for ever, there would be great injury to the whole land aforesaid, the articles of the aforesaid ordinances be read

counties of Leinster to have victuals supplied.

CAP. IX.

Those who have lands in the marches to guard them.

Where roads stopped, &c., the King or lord to hold marches when conquered, until repaid costs of guarding, &c.

CAP. X.

Only those of the English nation to be received into Religious orders.

CAP. XI.

Foregoing ordinances to be published.

auaütdites ci deuaunt tut le poeple lu e publie e qe Erceuesq̃ Euesq̃ e autres p̃latz qi ci sount escumengent sollempnement . .¹ ceaux qi encountre cestes ordenaunces en nul point vendrout p̃ueement ou ap[te]ment¹ par force ou par arte ou par engyn ou en nule maniere quele qe ele seit. E estre [ceo]¹ soient les articles auaütditz maundes desouz le seal le Rei a toutz les Erceuesq̃s d[e la dit]¹ fre e qe eaux facent les ditz articles en chescune Eglise Cathedrale de tote lour p[vin]²ce e aillours la ou il voient qil fet afere pur bien de la pees le Rei lire e publier [e]² maunder ceo qe en eaux est quil soient par tut tenuz. E de fere escumeng³ en ch[es]²cune eglise Cathedrale e pochiale toutz ceaux qi vount encoultre les dites ordinaü[ces]² en nul poynt aptement ou p̃ueement sicöme est auaütdit.

Sentencia.

Auctoritate p̃dca^x ordinacionü puisionü e concessionü vefiabit pa^r M: Ar¹e^ps Cassel W: Ossor Eps. W: Imet Eps. R: Lismo^r Eps. M: Leighliü Etes confirmatus e ceteri p̃relati xij^o die febr̃ in Maiori ecclia sc̃i Kenni de Kilkenny in p̃sencia dno^x Riči Coñ Vltoñ John Wogan Justic̃ Hibñ, Riči de Clare, Johis fit Thome, Johis de Barry, Mau^r de Rupeforti e alio^x p̃timo^x magnatü fre Hibñ e de eo^xdem assensu pnüciarüt q^amdam sentenciam in hec verba.

Nos M: miseracione diuina Archieps Casselen^s. W: Ossor. W: Imet. R: Lismo^r Epi e M: Leighliü Etes confirmatus auctoritate dei pat^rs o^mipotentis e fit e spti sc̃i e g̃iose semp virginis g̃ntriciis dei Marie e bi Archangli Michis e Oñum Anglo^x bo^x Petri e Pauli e Oñium Aplo^x Marti^x Confesso^x e virginü excöicamus anathematizamus dampnam⁷ e a liminibz sc̃e Mat^rs ecclie sequest^amus oñes e singulos qui amodo pacem

¹ Obliterated.

² Tora.

and published before all the people, and that the archbishops and bishops and other prelates who are here, solemnly excommunicate those who against these ordinances in any point offend, secretly or openly, by force or by contrivance or design, or in any manner, whatsoever it be. And further that the articles aforesaid be sent under the King's seal, to all the archbishops of the [said] land, and that they cause the said articles to be read and published in every cathedral church of their entire province and elsewhere, wherever they see fit that it should be done for the welfare of the King's peace, [and] command (as far as in their power) that the [said articles] be, in all points, observed; and that they cause to be excommunicated, in every cathedral and parish church, all those who act contrary to the said ordinances, in any point, openly or secretly, as aforesaid.

Offenders to
be excom-
municated

Sentence.—By authority of the aforesaid ordinances, provisions and grants, the venerable fathers M[aurice], archbishop of Cashel, W[illiam], bishop of Ossory, W[illiam], bishop of Emly, R[ichard], bishop of Lismore, M[aurice, bishop] elect and confirmed of Leighlin, and other prelates, on the 12th day of February, in the great church of St. Canice, Kilkenny, in presence of the lords, Richard, earl of Ulster, John Wogan, justiciar of Ireland, Richard de Clare, John son of Thomas, John de Barry, Maurice de Rochfort, and many other magnates of the land of Ireland, and with their assent, pronounced a certain sentence in these words,—

We, M[aurice], by divine mercy, archbishop of Cashel, W[illiam] of Ossory, W[illiam] of Emly, R[ichard] of Lismore, bishops, and M[aurice, bishop] elect and confirmed of Leighlin, by authority of God the Father Almighty, the Son and the Holy Spirit, and of the ever glorious Virgin Mary, mother of God, St. Michael the archangel and all angels, saints Peter and Paul, and all the apostles, martyrs, confessors and virgins, excommunicate, anathematize, condemn, and from the threshold of Holy mother church, exclude all and singular those who shall

Excom-
munication
pronounced
in St. Canice's,
Kilkenny.

¶ni Regis in fra Hibñ scien^r maliciose violauerint p^rbañint seu violari & pturbari mandañint concesserint vel assenserint p se vel alios consilio vel auxilio arte vel ingenio cum ðibz fautoribz siue clam vel palam cui'cumq. fñint condicionis, simili modo omēs illos & singulos cui'cumq. condicionis fñint qui ordinationes p^rdcas in hoc parlamento ordinatas p^rbañint violañint seu irritañint mandañint seu temptañint seu fauorem auxiliū aut receptamentū p^rbatoribz & violatoribz scien^r dederint quoquo modo.

Après totes les auañtdites bosoignes cheuýes en la fourme auañtdite ordene fut par la Justice & par le consail le Rei p^r ceo qe multz des gens sunt fetz viscountes par resoun de g^{ra}ntz f^res & tenementz qil tienen qí poý sount sachautz del office viscountell & bien deyuent estre qe il ne vnt guers de tieles choses apris¹—

¹ Entry incomplete.

henceforth, the peace of the lord the King in the land of Ireland, knowingly, maliciously, violate or disturb, or command, grant or assent to its being violated or disturbed, by themselves or others, by counsel or aid, art or design, with all their favourers, whether secretly or openly, of whatsoever condition they be ; in like manner, all and singular those, of whatsoever condition they be, who the aforesaid ordinances in this parliament ordained, shall disturb, violate or make void, or assail, or knowingly give aid or shelter to disturbers and violaters in any manner.

After all the aforesaid businesses concluded in form aforesaid, it was ordained by the Justiciar and by the King's council, that whereas many of the people are made sheriffs by reason of the great lands and tenements that they hold, who, little learned in the office of sheriff (and they should be well skilled therein), seeing that they have little acquaintance with such things—

Usuitable
persons
appointed
sheriffs.



10 EDWARD II. A.D. 1316.

[MEMORANDA ROLL, EXCHEQUER, 3-11 EDWARD II. m. 13 d.]¹

CUM p dilem et fidelem nrm Edmūdum le Botiller Justic nrm Hibn et totum cons nrm ibidem p pacis nre conseruacione et coi popli nri vtilitate iam concordatū sit et ordinatū, qd omes et singuli redditus firme pficua et alii quicumq exitus lraz et ten quocūq alienigenaz et ex^oneoz hoim in βdca lra nra Hibn qui ex^a eandem lram nram se tenent et redditus et firmas suas plenarie ibidem recipiunt et alibi expendunt p sua voluntate n^o custus seu misas aliquas in defensionē lraz et ten suoz βdcoz apposse curant, p quod p maiori pte in eoz deftm tam lre et ten nra q^m alioz fidelū nroz ibidem et lre et ten sua ppria p diūsos malefcores et pacis nre pt^rbatores hucusq destruunt et vasta iacent et inculta in nri et toci⁹ populi nri βdci dampnū g^auissimū et intollerabile, de cetero ad opus nrm leuent colligant et recipiant, ita qd tota peē inde pueniens in Theē nrm apd Dubliū sine ditione libet^r ibidem in deposito remanenda et p pacis nre conseruacione et βdce lre nre defensione cū tempis acciderit oportunitas expendenda.

¹ This enactment is recited in a writ dated 11th September, 10 Edward II. and, from the word *iam* in the preamble, it would appear to have been made just prior to that date. Edmund le Botiller was appointed Justiciar of Ireland by writ of 4 Jan., 8 Ed. II. (1314-15), holding that office until 1318. (See XXVI. Report Dep. Keeper Records, Ireland, Appendix III., p. 58, *note*.)

10 EDWARD II. A.D. 1316.

WHEREAS by our beloved and faithful Edmund le Botiller, our justiciar of Ireland, and our whole council there, for the preservation of our peace and the common benefit of our people, it is now agreed and ordained that all and singular the rents, farms, profits, and other issues whatsoever of lands and tenements of any aliens and foreigners whatsoever in our aforesaid land of Ireland, who keep themselves outside our said land, and their rents and farms fully there receive, and expend them elsewhere at their pleasure, nor care to apply any costs or expenses in the defence of their lands and tenements aforesaid, whereby principally through their default, as well our lands and tenements as those of other our liegemen there, and their own lands and tenements, by divers malefactors and disturbers of our peace have been heretofore destroyed, and lie waste and uncultivated, to the very grievous and intolerable injury of us and all our people aforesaid, from henceforth be levied, collected and received to our use, so that all the money thereout arising shall be delivered into our treasury at Dublin, without delay, there to remain in deposit, and to be expended for the preservation of our peace and the defence of our land aforesaid, whensoever occasion shall require.

Rents of alien
absentees'
lands to be
expended
for defence of
the country.

13 EDWARD II. A.D. 1320.

[RED BOOK OF THE EXCHEQUER IN IRELAND, VOL. 27.]

[ORDINA]ŒONES¹ acte in parlamento Dubliū in mense Pasche anno regni Reġ E. fil Reġ E. tercio decimo, coram Roġo de Mortuo Mari Justiċ Hibū & consilio dñi Regis & [a]²liis magnatibus terre Hibū tunc ibidem existentibus, in forma que sequit^r.

Edward par la grace dieu Rey Dengleterre Seigneur Dirlaunde & Ducks Daquitayne [as]² Meir & as Baillifs de Dyuelyn salutz. Come par cōmun assent de nre Justice Er[che]²uesqs Euesqs Countes Barouns & tote la cōmunalte de nre fr̄e Dirlaunde a nre plement a Dyuelyn tenutz au meys de Pasche lan de nre Regne treszime seit acorde & assentu [q]² les ordenaunces souzescrites soient fermement tenutz & establitz en tote nre fr̄e auant dite ceo est assauoir, pur lez g^{ntz} greuances & oppressiouns q̄ nre poeple en Irelaunde ad suffert ca en arere, p defaute quil ny auoit certeyn remedy ne recourir ordeinetz en plusors cas ou mesl feust, q̄ toutz les articles susditz en le hon^r de dieu et de seinte Eglise & p^r le profit du poeple auantdit soient pleynement desore en auant tenuz e gardez en tous poyntz.

Capm.
primum

A de p^{imes} acorde est q̄ seinte Eglise soit fraunche & eit totes ses fraunchises et ses fraunches custumes saunz nule manierre de bleuissement, et q̄ la g^{nde} chartre le Roy graunte a la clergie & au poeple Dirlaunde soit puplie & tenutz en touz poyns. Et q̄ tous les articles contenuz de souz le gnd seal Dengleŕe a desclarer en quell cas la phibicioñ le Roy deit estre garde et en quell noun soit puplie & tenuz.

Capm. ij.

Acorde est auxsint q̄ les estatuz de Weymoust^r le p^{imer} & le secound, M^rton, Marleberge, et Gloucestre seent tenutz et les

¹These ordinances were confirmed in a parliament held in Kilkenny, 19 Edward II.

²Obliterated.

13 EDWARD II. A.D. 1320.

ORDINANCES enacted in a parliament at Dublin in the month of Easter, in the thirteenth year of the reign of King Edward, son of King Edward, before Roger de Mortimer, justiciar of Ireland, and the council of the lord the King, and other magnates of the land of Ireland then there being, in the form following:—

Edward by the grace of God, King of England, lord of Ireland and duke of Aquitaine, to the mayor and bailiffs of Dublin greeting: Whereas by common assent of our Justiciar, the archbishops, bishops, earls, barons and the entire commonalty of our land of Ireland, in our parliament held at Dublin in the month of Easter, in the thirteenth year of our reign, it is agreed and assented that the under written ordinances be firmly held and established in all our land aforesaid, that is to say, in consideration of the great grievances and oppressions which our people in Ireland have suffered in the past, by reason of their having no certain remedy or recovery ordained in many cases where need was, [and] that all the underwritten articles, in the honour of God and of Holy church, and for the profit of the people aforesaid, be henceforth fully observed and kept in all points.

Firstly, it is agreed that Holy church be free, and have all her liberties and free customs without any manner of infringement, and that the great charter of the King granted to the clergy and people of Ireland be published and observed in all points; and that all the articles contained under the great seal of England declaring in what case the King's prohibition, and in what name, ought to be observed, be published and held.

CHAP. I.

It is also agreed that the Statutes of Westminster the First and the Second, of Merton, of Marlborough and Gloucester¹ be

CHAP. II.
Confirmation
of West-
minster the
First, and
other statutes.

¹ The Statutes of Westminster the First and Second, and the Statute of Gloucester were ordered to be observed in Ireland by Writ 13 Edw. I. (see p. 46), and are enrolled in the Red Book of the Exchequer in Ireland. The Provisions of Merton were to be observed under Writ 20 Henry III. (see p. 29). The Statute of Marlborough (52 Henry III.), would not appear to have been previously authorized for observance here; it will be found in *Statutes of the Realm*, vol. I., p. 19.

autres estatutz fetz en Engleterre p le Roy & son conseil seent recitetz & examinetz deuaunt le conseil le Roy entre cy & le proscheiñ plement & la puplietz & les points q̄ couenables sont pur le poeple e la pees de la terre Dirlande soient illuesques confermetz et tenutz, salues toutz iours les bones custumes et usages de la terre.

Capm. iij.

Et p^r ceo q̄ le cōmun poeple Dirlande est mīt greue et a poÿ destruyt et les terres de seinte eglise et du pople sont gastetz & destruytz par diuerses meffesours en la mafie qen suyt, ceo est asauoir q̄ tout pleyn des gentz maudent lour gentz, chiuaux, cheens, et oyseals pur soiorner as mesouns des bones gentz Religions e autres encontre lour voluntie et pernent & destruyent lour biens & ausi autres sont q̄ sont ou se fount des lynages et cuÿllent g^{nde} compaignie a eaux des hobelours vdyues gentz et autres mauoÿs, encontre la pees & autres gentz a pee q̄ vount de ville en ville de home en home demandauntz curtoisies des denierres bleetz & autres manieres des vitailles, & si hōme ne les doun a lour voluntie il manacent la gent de vie & de membre & ialemeyns pñent les biens des bones gentz en noun de gage, & les tenent taunt quil eent lour demaunde. Parqueÿ p^rueu acorde & assentu est q̄ come tiels mafes de meffesours vendront en pays q̄ hu & cry soit leue s^r eaux, a queÿ tout le poeple lieue & les p^rsue & preigne sil se voudront rendre, et tauntost soient maundetz a la p^rsone le Roy et la demoergent taunt q̄ dreit seit fait de eaux come de eaux q̄ sont encontre la pees le Roy et les biens & les chÿuaux cheens & oyseaux soient forfetz au Roy ou a seign^r de fraunchise ou a Baroun qad conissaunce de meynoeure ou tieuz trepasses soient faitz. Et sil ne se vuillent mÿ rendre soient pursuitz & fait de eaux come de felouns encontre la pees. Et en meisme la mafie soit fait de Keernes q^{nt} il vendront en pais et rien pernent contre la voluntie de nully. Et ausi des gentz q̄ vieignent oue g^{nde} compaignie des gentz malicieusement a la mesoun dacun saunz estre requis et despendūt et gastent les biens de loiaux gentz en

held, and the other statutes made in England by the King and his council be read and examined before the King's council between this and the next parliament, and there published, and that the points which are applicable to the people and the peace of the land of Ireland be from thenceforth confirmed and held, saving always the good customs and usages of the land.

And inasmuch as the common people of Ireland are greatly distressed and well nigh destroyed, and the lands of Holy Church and of the people are wasted and destroyed by divers evildoers, in manner following, that is to say, that all manner of men send their people, horses, dogs and birds, to lodge in the houses of honest folk, religious [communities] and others against their will, and take and destroy their goods; and others there are also, who are or pretend to be men of birth, and they collect to themselves a great company of hobelers, idle men and other evil persons against the peace, and other men on foot, who go from town to town, from man to man, demanding presents of money, corn and other kinds of victuals, and if one gives them not at their will, they threaten people with loss of life and limb, and further, they take the goods of honest people, by way of pledge, and hold them until they have their demand. Wherefore it is provided agreed and assented, that when such class of evildoers come into the country, hue and cry be raised against them, at which all the people rise and pursue them, and apprehend them, if they will give themselves up, and that they be immediately committed to the King's prison, and there remain until right be done of them, as those who are against the King's peace, and that their goods, horses dogs and birds be forfeited to the King, or to the lord of the liberty or to the baron who has cognisance of mainour, where such trespasses are committed. And if they will not give themselves up, that they be pursued, and it be done to them as to felons against the peace. And in the same way it be done to kernes, when they come into the country and take anything against the will of any. And also as regards those who come of malice with a great company of men to the house of any without being

CHAP. III.
Against those
who commit
waste.

Hue and cry
to be raised
against roving
bands, who
demand enter-
tainment.

Penalty on
them.

abessauntz & destruyauntz le poeple. Defendu [est q̃]¹ nul desormes le face, et quy le fra soit fait de luy come des felouns sount ditz. Et [en me]²me la mañe soit fait en fraunchises de ceaux q̃ trepassent en les fraunchises et [en ba]³ronnyes q̃ ount conissaunces de meynoeure. Et si tiels meffesours se fuent e ne [se]⁴ vullent mye iusticer a la pees le Rey les seignurs des fraunchises & leur seneschaux les facent prendre & maunder a la p'sone le Rey si les trespas soient faitz en le Gildable. Et si en fraunchises soient faitz, facent les seignurs e leur Seneschaux mys par eaux si come est auant dit.

Cap^m. iiij.

Et pur ceo q̃ le cōmun poeple est mult grene p vdyues gens & altres q̃ portent rentes de diuerses gentz de la terre pur estre de leur auowerye & en leur proteccions par leur tres patentés et par taunt sount enbauditz de meffere, et charger veysins & le pople par quey hōme ne poet leur biens enioyer leur dreit pursure ne defendre pur doute de tiel manierre dauowerye; Acorde est q̃ nul ne face proteccion desormes si le Rey noun et seigneur de fraunchise. Et purueu est q̃ le viescount enquierge de Counte en Counte q̃ux sunt ceaux portours de tiels manieres de rentes fesours & receyuours de tiels proteccions & les preignent, et sil soient atteyntez devaunt Justices assignes ou la chef Justice, eyent la p'sone dun an en chastiment de eaux et des altres. Et les justices assignetz ou la chef Justice facent dreit a tous ceaux q̃ de eaux se vodrount pleyndre. Et q̃ nul graunt seigneur ne altre preygne vyures vytailles ne autres chateaux de nul clerc ne de nul lay ne de leur tenauns ou altres contre leur voluntie, et quy le fra *et quy le fra*³ et de ceo seyt atteynt soit puny solonc la quantite du trespas.³ Et q̃ nul viescounte ministre ne altre de la terre nie affoerent nul amerciement de nulý si noun par leur perres a ceo metz. Et qui le fra & de ceo soit atteynt rende a la partie ses damages en double et soit afficie greuousemēt.

¹ Obliterated.

³ Words repeated in MS.

⁴ From this to the end of the paragraph appears to have been scored out in ink, and the scoring afterwards scraped out.

bidden, and spend and waste the goods of loyal men, in abusing and destroying the people; it is forbidden that any henceforth do this, and whoever shall do it, that it be done to him as to the felons aforesaid. And in the same way, that it be done in liberties to those who commit trespass in the liberties and baronies, which have cognisance of mainour. And if such evildoers flee and will not submit to the King's peace, that the lords of the liberties and their seneschals cause them to be apprehended and committed to the King's prison, if the trespass be committed in geldable land; and if in liberties, that the lords and their seneschals appointed by them do as aforesaid.

And whereas the common people are much troubled by idle men and others who bear rents of divers people of the land, for being of their avowry and protection by their letters patent, and who thereby are emboldened in evil doing and burdening their neighbours and the people, on account of which none can enjoy their goods, prosecute or defend their rights for fear of such kind of patronage; it is agreed that none henceforth grant protection, except the King and the lord of the liberty. And it is provided that the sheriff enquire, from county court to county court, who they are that bear such kind of rents, the makers and receivers of such protections, and that they apprehend them, and if they be convicted before the justices assigned or the Chief Justiciar, that they be imprisoned for a year, as a punishment to them and others. And that the Justices assigned or the Chief Justiciar do right to all those who will complain of them. And that no great lord or other person take provisions, victuals or other goods, of any clerk or layman or of their tenants or others against their will, and whoso will do it and is of this convicted, that he be punished according to the amount of the trespass. And that no sheriff, officer or other of the land assess any amercement on any, except by their peers for this purpose appointed; and whoso will do it and is of this convicted, pay to the party his damages two-fold and be heavily fined.

CHAP. IV.

None to grant protection, save the King and lords of liberties.

No great lord to take victuals of any against their will.

Capm. v.

Et q̄ en chescun Countee seent justices assignes ceo est assa^r un hōme de Court sage et loial et puissant, quȳ oue deaux chivalers du Countee ou altres bones gens couenables a ceo assignetz, deuaunt q̄ux & nuls altres ou deaux de eaux si tous ne puissent entendre, dount celuy de Court seit lun, sauue le poer la Justice Dirlaunde ou altre cause couenable, soient les assises certificacions et atteyns p^res & la Gaole deliyeretz q^{nt} meister serra. Et les dites Justices enquergerent a chescun sessyon ou a meyns deaux foitz par an, coment les viescountes et southviescountes seriauntz et soutzseriauntz eȳent fait lour offices et la pees garde sur les articles ausdites. Et q̄ meisme ceaux Justices enquergerent des viescounts southviescountes et lour clers seriauntz et lour soutzministres coment il se portent en lour offices et facent droit de eaux et oȳent & p^rminent les plaintes de chescunȳ q̄ de ceaux pleyndre se vodra. Et si les treis ne pount entendre deaux de eaux le facent. Et q̄ nul hōme eȳt cōmission de Justicerie saunz le conseil le Rey, ceo est a sauoir la chief Justice, Chauncelier, Thresorier, Justices du Baunk et Barouns del Eschekier. Et ordeȳne est q̄ ceaux q̄ deȳuent venir a hu & crye et ne venont poȳnt soient deuaunt les Justices assignetz reyns a suȳte de partie ou a p^rsentement de viescounte a la suȳte le Rey, sil seent atteȳntz & rendent a la partie greue ses damages en double.

Capm. vi.

[Et q̄ la]¹ chief Justice a ses venues par pais q^{nt} luy plerra enquierge coment [les min]¹istres del Eschekier et du Baunk Justices assignes et altres ministres & lour . . .² portent en lour office et ceaux quyl trouera en defaute les face punir solomc [son disc]²recion. Et si nul ministre seit atteȳnt du trespas tochaunt son office a suȳte [la par]²tie, eȳt la partie recourir de ses damages vs lui, et ialemeȳns seȳt puny [p le]² Rey solomc la manierre du trespas.

¹ Obliterated.² Torn.

And that in each county justices be assigned, that is to say, a man of court, wise, and lawful and powerful, who, with two knights of the county or other good men suitable, for this purpose assigned, before whom and no others, or two of them, if all cannot hear [the cases] (of whom the man of court to be one), saving the authority of the Justiciar of Ireland or other fitting cause, shall be held the assizes, certifications and attainders, and the gaol be delivered, when there shall be occasion. And the said justices shall enquire at each session, or at least twice a year, how the sheriffs and sub-sheriffs, serjeants and under serjeants, have performed their offices, and preserved the peace upon the articles aforesaid. And that the same justices enquire of the sheriffs, sub-sheriffs and their clerks, serjeants and their under officers, how they behave in their offices, and do right of them, and hear and determine the complaints of any who wish to complain of them, and if the three cannot hear [the cases], that two of them do it. And that no one have a commission of the justiceship, without the King's council, that is to say, the Chief Justiciar, chancellor, treasurer, justices of the Bench, and the barons of the Exchequer. And it is ordained that those who ought to come to hue and cry, and come not, be arraigned before the assigned justices at suit of the party, or on the presentment of the sheriff, at suit of the King, and if they be convicted, pay to the injured party his damages twofold.

CHAP. V.
A justice, with two knights, in each county, to hold assizes, gaol delivery, &c.

The justices to enquire as to performance of their duties by the sheriffs, &c.

[And that] the Chief Justiciar on his journeys through the country, when it shall please him, enquire how the officers of the Exchequer and of the Bench, the justices assigned, and other officers and their [deputies] behave in their offices, and those whom he shall find to be at fault, he cause to be punished, according to his discretion. And if any officer be convicted of any offence touching his office, at suit of [a party], that the party have recovery of his damages against him, and further, that he be punished by the King according to the nature of the offence.

CHAP. VI.
Chief Justiciar in his journeys to enquire as to the officers of the Exchequer and the justices of the Bench.

- Capm. vij. [Et q̄ ce]¹aux q̄ alionent lour terre en voluntie de aler en gerre seit fait de eaux solome[ce]¹ q̄ est contenuz en les ordenaunces *faites a* ² de Kilkenny³. Et quil eyt parlement chescun an .¹ foits a meyns en quel lieu qnyl semble a la Justice ⁊ au conseil q̄ meuz sait a faire, [⁊] q̄ tous les g^{ns} seignurs, Prelatz ⁊ autres y vieignent al pil q̄ apent.
- Capm. viij. Et q̄ nul plee seit plede en Leschekier fors q̄ ceaux pleez q̄ touchent le Rey, Ministres [de]¹ Eschekier de la Goule Daugust taunt q̄ a la seint Michiel, et de somer dymenge en Quarreme taunt qa la Cluse Pasq̄.
- Capm. ix. Et q̄ vne mesure et un peys seit par tote Irlaunde ceo est a sauoir furment ⁊ dautre blie, la quarter de furment de Lundres de viij peceq̄, desq̄ux les vij rees ⁊ le vtyme coumble, et des aueynes xiiij peceq̄ coumbletz. Et les busseaux galouns de vñ ⁊ de Ceruoise et les autres mesures seent accordauntz al Estandard le Rey par toute Irelaunde.
- Capm. x. Et q̄ nul viescounte lesse desore par meynp^{se} nul p^{se}one sil ne soit meynpernable p ley saunz especial maundement de la chef Justice, et quý autrement le fait seynt reynt a la voluntie le Rey.
- Capm. xi. Et si nul face Roberie ou altres felonies en les Croces q̄ les Seneschaux des ffranchises q̄ ount retourn des brefs vieignent en eyde de þndre les felouns a la requeste des seign^{rs} de Croces ⁊ des seriauns le Rey des dites Croces sur la greue forfeiture le Rey ausi souent come par eaux serrount requis.
- Capm. xij. Et chescun seneschal de fraunchise q̄ ad retourn des Breff seit entendaunt a altre pur la pees meyntenir et de prendre les felouns demorauns en lour baillie p^r felunie faite en altry franchise et deliurer les ditz felouns al Seneschal de la ffranchise ou il sont enditetz. Et q̄ chescun viescounte le Rey seit entendaunt a autry maundement de þndre et de recoeur les felouns le Rey aillours enditetz et de eaux sauement garder taunt q̄ il seyent delyures p lay de terre.

¹ Torn.² Interlined.³ 3 Ed. II, c. 6 p. 270.)

[And that] in the case of those who alienate their land through a desire to go to war, it be done to them in accordance with what is contained in the ordinances made at Kilkenny. And that there be a parliament each year . . . times at least, in the place which seems best to the Justiciar and the council [and] that all the great lords, prelates and others come thither on the penalty that attaches.

CHAP. VII.
Alienations
made with a
view to going
to war.
Parliament
each year.

And that no plea be pleaded in the Exchequer, save those pleas which touch the King [and] the officers of the Exchequer, from the first of August until St. Michael, and from the last Sunday in Lent until the close of Easter.

CHAP. VIII.
Time for
pleas in the
Exchequer.

And that there be one measure and one weight throughout all Ireland, that is to say, wheat and other grain, [to be measured by] the quarter of wheat of London, of eight pecks, seven of which to be rased, and the eighth heaped; and of oats fourteen pecks heaped. And that the bushels, gallons of wine and ale, and the other measures be in accordance with the King's standard throughout all Ireland.

CHAP. IX.
One measure
and one
weight
throughout
Ireland.

And that no sheriff henceforth let any prisoner to mainprise, if he be not mainpernable by law, without the special command of the Chief Justiciar, and whoso does otherwise, that he be punished at the King's will.

CHAP. X.
No one to be
mainprised
unless main-
pernable by
law.

And if any commit robbery or other felony in the Crosses, that the seneschals of liberties, who have the returning of writs, come to aid in capturing the felons, on request of the lords of the Crosses, and the King's serjeants in the said Crosses, upon heavy punishment by the King, as often as they shall be requested by them.

CHAP. XI.
Seneschals of
liberties to
aid in captur-
ing felons in
the Crosses.

And that every seneschal of a liberty, who has the returning of writs, be intente to another, for the maintenance of the peace, and apprehension of felons abiding in their bailiwicks, for felony committed in the liberty of another, and for delivering the said felons to the seneschal of the liberty wherein they are indicted. And that every of the King's sheriffs be intente to the mandate addressed to another, in apprehending and receiving the felons of the King elsewhere indicted, and in safely guarding the same, until they be delivered by the law of the land.

CHAP. XII.
Seneschals of
one liberty to
aid in case of
felons in
another
liberty.

Sheriffs in the
same way.

Cap^m. xiiij. Par quey vous comandons q̃ cestes ordenaunces facez lire et puplier en chescune bone vile de ṽre baillie et celes sur la peyne q̃ est done fermement tenir. Doñ de soutz ñre g^{nt} seal Dirlaunde le xv iour de May lan de ñre Regne susdit.

Cap^m. xiiij.
(recte xiiij) Et acorde est q̃ si nule hōme viegne countre cestes ordeinaunces apertement, q̃ meyntenaunt Lordenary du lieu ou ses cōmissaris les facent escomenger saunz de nulý estre chalenge.

Wherefore we command you that you cause these ordinances to be read and published in every good town in your bailiwick, and the same to be strictly observed, under the penalty appointed. Given under our great seal of Ireland the 15th day of May, in the aforesaid year of our reign. CHAP. XIII.

And it is agreed that if any man openly contravene these ordinances, the Ordinary of the place or his commissaries forthwith cause him to be excommunicated, without any challenge. CHAP. XIII (recte XIV.) Ordinary to excommunicate offenders.

14 EDWARD II. A.D. 1321.

[DE LEGE ANGLICANA DE VITA ET MEMBRIS IN HIBERNIA UTENDA.]¹

OF THE USE IN IRELAND OF THE ENGLISH LAW CONCERNING LIFE AND LIMBS.

Irish admitted
to English law
to use same
concerning life
and limbs.

The King to his Justiciar of Ireland, who now is and who for the time shall be, or to his lieutenant, greeting. Know ye that whereas in the time of the lord Edward of famous memory, formerly King of England, our father, and afterwards in our time, it has been frequently shewn to our said father and to us, with heavy complaint, that because the Irish admitted to English law in the said land did not previously enjoy the said law concerning life and limbs, our peace in the said regions was disturbed in many ways, and evil-doers there not being punished, were emboldened to commit divers felonies, to the grievous injury of our people of the said regions; and [whereas] at length in our Parliament summoned at Westminster in the octave of St-Michael last past, prayer was made to us that we should cause a remedy to be applied hereupon, we therefore, wishing to provide for the peace and quietness of our said people, will that all the Irish previously admitted to English law and those who hereafter shall happen to be admitted thereto, do use henceforth the said law concerning life and limbs, and by these presents we command that the Irish so admitted and to be admitted to the said law, as well within liberties as without, be treated according to the custom of the English, always saving in all things the right of us and of other lords, in the goods and chattels of the *nativi* who are commonly called in those regions *betaghers*, who may happen to be admitted to the said law, and of their issue, as regards the possession of those goods and chattels. In witness whereof, &c. Witness the King at Westminster the twentieth day of January. (To last for five years).

Saving lords'
right in goods
of betaghers.

By the King himself and by petition of the Council.

¹ The text taken from Patent Roll (Eng.), 14 Ed. II., pt. 2, m. 21, is printed in *Prynne's Animadversions* (1669), p. 263.

17 EDWARD II. A.D. 1323.

[ORDINATIO DE STATU TERRÆ HIBERNIÆ FACTA.]¹

ORDINANCE MADE FOR THE STATE OF THE LAND OF IRELAND.

Edward by the grace of God, King of England, lord of Ireland, duke of Aquitaine, to all those who shall see or hear these present letters, greeting. Know ye that for the amendment of the government of our land of Ireland, for the greater peace and tranquillity of our people in that land, at Nottingham in the octaves of St. Martin, in the seventeenth year of our reign, by assent of our Council there, the points below written were assented to and agreed on, to the end that they may be held and firmly kept in the same land.

I. Firstly, that the Justiciar of Ireland or any other our officer in that land, so long as they be in our offices there, shall not purchase land or tenement within the limits or bounds of their jurisdictions, without our special leave; and if any do the contrary, that which he shall have purchased shall accrue and be forfeited to us and to our heirs, saving to the chief lords of the fee the services due and accustomed, of the lands and tenements so accruing and forfeited to us.

II. Also, that our Justiciar of Ireland or any of our other officers there, by pretext of their offices, shall not take victuals or other things of any person against his will, except in case of necessity, for the common profit of the land; and then that he do it by the advice and assent of the greater part of our Council in those parts, and by writ of our Chancery of Ireland, and in case that we or our heirs shall so command, by writ of our Chancery of England or by our other letters.

III. Also, that our said Justiciar or any of our other officers there, by pretext of their office, do not arrest ships or other goods of strangers, or of our own people, but that all merchants and others may carry corn and other victuals and merchandises out of our land of Ireland into our realm of England and into our land of Wales, except in the case aforesaid, paying the customs due and usual; provided always that they make sufficient surety that they will not go unto or have dealings with our enemies of Scotland or with our other enemies, if any there

Justiciar and
officers in Ire-
land not to
purchase land
within their
jurisdictions.

Not to take
victuals
against the will
of any, except
of necessity.

Not to arrest
ships or goods
of strangers, &c.

Merchants to
have liberty to
carry corn, &c.
to England;

but to have no
dealings with
Scotch or other
enemies.

¹ Text taken from Statute Roll (Engl.), 17 Edward II., m. 30, is printed in *Statutes of the Realm*, I., p. 193, and in *Bymer's Fœdera*, Vol. II., part I., pp. 538-9.

be; and if any Justiciar or other officer do the contrary of the things aforesaid and thereof be attainted, that he make satisfaction to the plaintiff in double damages, and nevertheless be heavily punished on our behalf.

Fee for seal,
&c., on bills of
grace.

IV. Also, that for the seal of our Justiciar of Ireland for every bill of grace, four pence, and for the writing of every bill two pence be henceforth taken and paid, and no more.

Fee of Marshal
of a prison.

V. Also, from him who is committed to prison by authority of our Court, when he shall be delivered, that four pence be taken for the fee of the Marshal, and no more. And if it happen that anyone contravene the things aforesaid and thereof be attainted at our suit or at the suit of the party, that he make satisfaction to the party and be heavily punished on our behalf.

Pardon for
homicide or
felony not to be
made without
the King's
special man-
date.

VI. Also, that no pardon of the suit of our peace for homicide or for other felony or protection for him who shall be arraigned or indicted of such felonies, be made or granted henceforth by our Justiciar of Ireland, nor sealed with our seal there, without special mandate of ourself under any of our seals of England; saving that our said Justiciar and our Chancellor of Ireland, with the advice of our Council of Ireland, may grant pardon of felonies committed before the date of these presents, according as they see it ought to be done for our honour and profit, and the peace and tranquillity of our people there, and according to the mandate which they have from us. Provided always that for the felonies which they shall commit henceforth, no pardon be made or protection be granted without special mandate of ourself, as is aforesaid.

Sealing
original writs.

VII. Also, that no original writ pleadable at the common law, be received by any of our officers without a writ, sealed under our great seal of Ireland, nor any process be made by other writ, save that by our seal of our Exchequer of Ireland; of things which concern that place, that it be done as by reason it ought to be, and according to what has heretofore been accustomed.

Adjournment
of assise of
Novel Disseisin.

VIII. Also, that our Justiciar of the said land by his writs or letters do not delay or adjourn an assise of *Novel Disseisin* before him, except in the county where he shall be present, and while he tarries in the same county.

In witness whereof we have caused these our letters to be made patent. Given at Nottingham the 24th day of November, in the 17th year of our reign.

PATENT ROLL (ENGL.), 17 EDWARD II., PT. I, M. 3.

The King to his Chancellor of Ireland for the time being, greeting. Publication in the land of Ireland of the articles contained in the said ordinance.
 Certain articles concerning us and the state of our land of Ireland and of our officers there, by us ordained with the advice of our Council, we send to you under our seal in patent form, commanding that you cause those articles to be enrolled in the rolls of our said Chancery, and the same to be exemplified under our seal of Ireland in patent form, and to be sent to our Justiciar of our said land, and to our Justices of the Bench at Dublin, and to our Treasurer and Barons of the Exchequer at Dublin, and to our other officers in the said land, where you shall see fit; commanding them and on our behalf strictly enjoining, that they cause all and singular the said articles to be published in their Places and jurisdictions, and as far as to them appertains, to be observed, according to the form of the said articles. And that the said Justices, Treasurer, and Barons likewise cause the same articles to be enrolled in their rolls. We will further and enjoin you, and command, that at the prayer and suit of any person, complaining of an attempt or attempts contrary to the said articles or to any one of them, as often as you shall be required, under our said seal of Ireland, as well for us as for such complainants, you make due and speedy remedy, so that you cannot be blamed for any default, indifference, or neglect. In witness, &c. Witness the King at Nottingham the 24th day of November.

17 EDWARD II. A.D. 1324.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 33.]

[M^{EMOR}]and q̄d q^{arto} die Maii Anno Regni Rege Edwardi fīl R. E. decimo septimo dñs [R.]¹mandavit Cancellar̄ suo Hib̄n quedam statuta apud Lincoln & Ebo^{re} edita & ea in eadē [pu]²blicari & observari ꝑcepit ꝑ t̄re quod sequit^r in h̄ verba.

[E]²dwardus dei gr̄a Rex Angl̄ Dñs Hib̄n & Dux Aquit̄ Cancellar̄ suo Hib̄n sal̄tm. [q]²uedam statuta ꝑ nos de assensu Prelatoꝝ Comitū Baroñ & cōitatis regni n̄ri nup[ap]¹ud Lincoln & quedam alia statuta postmodū apud Ebo^{re} f̄ca que in d̄ca l̄ra n̄ra Hib̄n ad cōem vtilitatem populi n̄ri eiusdem l̄re observari volum⁹ vobis mittim⁹ sub sigillo n̄ro mandantes q̄d statuta illa in Cancellar̄ n̄ra custodiri ac in rotulis eiusdem Cancellar̄ irrotulari & sub sigillo n̄ro quo vtim^r in Hib̄n in forma patenti exemplificari, & ad singlas placeas n̄ras in l̄ra ꝑd̄ca & singulos Comitatus eiusdem l̄re mitti faciatis ꝑ b̄ria n̄ra sub d̄co sigillo minist^rs n̄ris placeas illas & Vicecomitib⁹ d̄coꝝ Comitatuū mandantes q̄d statuta illa corā ip̄is publicari & ea in om̄ib⁹ & singlis suis articulis q^{ntū} ad eoꝝ singlos ꝑtinet firmi⁹ fac̄ observari. T. meīꝑo apud Notingham xx di^o Novemb^r Anno r̄ n̄ decimo septimo. ꝑ ip̄m Regem & consiliū.

17 EDWARD II. A.D. 1324.

BE it remembered that on the fourth day of May in the 17th year of the reign of King Edward, son of King Edward, the lord the King sent to his Chancellor of Ireland certain statutes made at Lincoln and York, and ordered them to be published and observed in the same, by writ which follows in these words :

Edward by the grace of God, King of England, lord of Ireland, and Duke of Aquitaine, to his Chancellor of Ireland, greeting. We send you under our seal, certain statutes lately made by us, with the assent of the prelates, earls, barons, and commonalty of our Kingdom at Lincoln, and certain other statutes afterwards made at York, which we will to be observed in our said land of Ireland, for the common profit of our people of the said land, commanding that these statutes be preserved in our Chancery, and be enrolled in the rolls of the said Chancery, and be exemplified under our seal which we use in Ireland, in patent form, and that you cause them to be sent to our several places in the said land, and the several counties of the said land, by our writs under our said seal, to our officers of these places and the sheriffs of the said counties, commanding that these statutes be published before them, and that they cause them to be observed in all and singular their articles, as far as to each of them appertains. Witness myself at Nottingham the 20th day of November, in the 17th year of our reign.

Writ commanding the Statutes of Lincoln and York to be observed in Ireland.

By the King himself and the Council.

17 EDWARD II. A.D. 1324.

[RED BOOK OF THE EXCHEQUER IN IRELAND, VOL. 33.]

Statuta apud Lincoln.

PUR ceo q̄ n̄re seign^r le Roi Edward fī^s au Roi Edward a son plement a Nicole a la qⁿzeme de la seint Hiller lan de son regne neuisme p demonstraunce des Prelatz Countes Barons & autr^s g^{ntz} du Roiaume somonus a cel plement p greuouses pleyntes del poeple entendi g^{ntz} damages estre faitz a luy & trop griefe op^{ss}siouns & desheritaunces a son poeple p la reson q̄ meintz suffisauncz viscountes gardeyns des Hundretz ount este auant ces heures & vncore sont en dit Roiaume n̄re seign^r le Roi veillaunt escheure teux maux op^{ss}siouns & desheritaunces del assent dez flatz Contes & Barons & les g^{ntz} auantditz en son dit plement p^{uoit} & establi q̄ viscontes desoremes soient mis p le Chaunceller le Tresorer & les Barons del Eschequer & p les Justices et en absence del Chaunceller le Tresorer Barons & Justices q̄ nul ne soit visconte sil neit l^re soeffisanment en mesme le Countee ou il s^{ra} viscont pur respondre au Roi & au poeple & q̄ nul q̄ seit seneschall ou Ballif de g^{nt} seign^r soit fait visconte sil ne oste de autre s^{uise} mes tiel q̄ soit q̄ de tutt p^{uys} entendre al office de visconte faire p^r le Roi ou p^r le poeple & q̄ Chaunceller Tresorer Barons & Justices facent & mettent en la maīe auantdit sanz aut^r regarde auer. En mesme la maīe est acorde & establi q̄ les Hundretz quel qil soient au Roi ou as autres soient gardez p gentz couenables eanz l^res sufficiance en mesme le Hundred ou en le Counte ou le Hundred s^{ra}, & si ascuns viscontes ou Hundreders soient a ceo meins suffisanz soient tantost remuez & autres couenables mys en la fourme auantdit & q̄ les Hundredz soient lessez & bailletz a teux gentz a renable feer issint qil ne coueigne pas qil facent extortion sur le poeple p^r trof vtrageouse ferme & q̄ nul visconte ne Hundreder ne baille a autre son office a garder a ferme ne en aut^r maīe & q̄ les execucions des Brefs q̄ vendront as viscontes soient faites p les Hundreders conuz & iures en plein Counte & nemye p autr^s sil ne soit en[g^{nt}]¹ defaute ou notoire destourbanche des Hundreders & adonq̄s soient faites p autr^s [couena]²bles & iuretz issint q̄ le poeple puisse sauoir a qi seure tels execucions sauue tous[iours]² retorn des brefs a ceux q̄ les ount & auer deuient.

¹ Obliterated.² Torn.

STATUTES AT LINCOLN.

(Enacted in England, 9 EDWARD II., A.D. 1316.)

FORASMUCH as our lord King Edward, son to King Edward, at his parliament at Lincoln in the quinzaine of St. Hilary, in the ninth year of his reign, on the showing of the Prelates, Earls, Barons, and other magnates of the realm, summoned to that parliament, on the grievous complaints of the people, perceived great damage to be done to him, and very grievous oppressions and disherisons to his people, by reason that insufficient sheriffs [and] wardens of hundreds have heretofore been, and yet are, in the said realm; our lord the King, desiring to prevent such evil oppressions and disherisons, by the assent of the Prelates, Earls, and Barons, and the magnates aforesaid, provided and established in his said parliament, that sheriffs from henceforth Sheriffs to be appointed in the Exchequer. be appointed by the Chancellor, the Treasurer, and the Barons of the Exchequer, and by the Justices; and in the absence of the Chancellor, by the Treasurer, Barons, and Justices: and that none be sheriff, if he have not sufficient land in the same county where he shall be sheriff, to answer to the King and the people; and that no one who is seneschal or bailiff to a great lord be made sheriff, except he be removed from the other service, but that he be such a one as can wholly attend to the execution of the office of sheriff, to do for the King or for the people; and that the Chancellor, Treasurer, Barons, and Justices do and assign in manner aforesaid, without having any other regard. And in like manner it is agreed and established, that the hundreds Who shall have the guarding of hundreds. whether they belong to the King or to others, be guarded by suitable persons, who have sufficient lands within the same hundred, or in the county where the hundred shall be; and if any sheriffs or hundreders be insufficient therefor, that they be presently removed, and other suitable persons appointed in form aforesaid, and that the hundreds Hundreds may be farmed, but not the office. be leased and committed to such persons at a reasonable rent, so that they be under no necessity to practice extortion on the people, by reason of too excessive a rent. And that no sheriff or hundreder lease his office to any other, to hold in farm or otherwise; and that the executions of writs that shall come to the sheriffs be made Execution of writs by the hundreders. by the hundreders recognised and sworn in full county court, and not by others, unless it be in case of a serious default or notorious disturbance of the hundreders; and then that they be made by other suitable persons and sworn, so that the people may know to whom to sue such executions; saving always the return of writs to those that have, or ought to have them.

17 EDWARD II. A.D. 1324.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 34.]

Statuta apud Eboꝛ edita.

PUR ceo q̄ plusurs gentz du Roialme Dengleſre ⁊ de la
 Pre Dirlaunde ount einz ces [hou]ſres ſouentefoitz
 ſuffert meſchiefs ⁊ deſheriteſons p encheſon de ceo q̄ en aucun
 cas ou defeaute de lei fuſt remedie ne fuſt ordeine ⁊ auſſint
 pur ceo q̄ ascuns poyntz des eſtatus auant faitz auoient
 meſtier deſclarieſement, Nostre ſeign^r le Roi Edward fuitz au
 Roi Edward deſiraunt plener droit eſtre fait a ſon poeple a
 ſon plement a Eſſwyk as trois ſimoignes de ſeint Michel Lan de
 ſon regne duziſme p aſſent des Prelatz, Countes, Barons ⁊ la
 Cōaute de ſon roialme illoq̄s assemblez fiſt les eſtabliſſementz
 ⁊ les eſtatus q̄ ſenſuient les queux il voet qe en le dit roialme
 ⁊ en la dite Pre ſoient fermement tenuz. En p^ſmes p^r diſſes
 meſchiefs qe ount eſte de ceo q̄ les tenantz en aſſiſes de nouele
 diſſeiſine ne poeint auant ces heures fere attornez, acorde eſt
 q̄ les tenantz en breſs de nouele diſſeiſine deſore puiſſent faire
 attornez. Et nentent mie le Roi p tant q̄ les tenantz ⁊ les
 defendantz en aſſiſes de nouelle diſſeiſine ne puiſſent pleder
 p Baillif come auant ſoleient ſil voillent. Et enſement
 acorde eſt qe qant chartre quiteclamance acquitance ou autre
 eſcript ſoit dedit en la Court le Roi en queux ſoient teſtmoig-
 nes nomez ſoit pces fait de fere venir les teſtmoignes come
 auant ad eſte vſeez iſſint q̄ ſil ne veignent a la graunt
 deſtreſce ſur eux retourner ou qe ret^rnez ſoit, qil ne ount rien
 ou ne ſount trouez q̄ adonk ne ſoit leſſe la priſe de lenqueſte
 p abſence des tieux teſtmoignes. Et ſi les teſmoignes veignent
 p la g^{nt} deſtreſce ⁊ lenqueſte p aucune encheſoun remeigne
 a prendre ſoit meſmes le iour done a ceux teſtmoignes qe
 iſſint vendront qeſte done a lenqueſte ſndre. A queu iour
 ſi tieux teſmoignes ne veignent, ſoient lour iſſues s^r eux
 primes retourneez forfaitz ⁊ la priſe de lenqueſte ne remaigne
 p lour abſence. Et pur abſence des teſtmoigns qe ſount des
 ffraunchiſes ou breſ le Roi original ne court mie ne ſoit la
 priſe de tiel enqueſte leſſee. Et come il ſoit contenu en
 leſtatut fait a Weſt^m le ſecund iour de Auerill lan du regne

STATUTES MADE AT YORK.

(Enacted in England, 12 EDWARD II., A.D. 1318.)

FORASMUCH as many people of the realm of England and of the land of Ireland have heretofore often times suffered mischiefs and disherisons, by reason that in some cases where the law failed, no remedy was ordained; and also forasmuch as some points of the statutes heretofore made had need of explanation; our lord King Edward, son to King Edward, desiring that full right be done to his people, in his parliament at York, in three weeks of Saint Michael, the twelfth year of his reign, by the assent of the Prelates, Earls, Barons, and the commonalty of his realm there assembled, ordained the acts and the statutes here following, the which he wills to be firmly observed in the said realm and in the said land.

I. First, for divers mischiefs that have arisen, because tenants in assises of *Novel Disseisin* could not heretofore make attorneys; it is agreed that the tenants in writs of *Novel Disseisin* from henceforth may make attorneys. Yet the King does not intend hereby that the tenants and defendants in assises of *Novel Disseisin* be not able to plead by a bailiff, if they will, as they have used to do heretofore.

Tenants in *Novel Disseisin* may make attorneys.

Pleading by bailiffs.

II. Also it is agreed, that when a charter, quit-claim, acquittance, or other writing is denied in the King's Court, wherein witnesses are named, process be made to cause the witnesses to come as before has been used; so that if they come not at the great distress on them returned, or that it be returned that they have nothing, or that they cannot be found, that then the taking of the inquest be not delayed by the absence of such witnesses. And if the witnesses come by the great distress, and the inquest for some cause remains to be taken, that the same day be given to those witnesses who shall so come, as is given for the taking of the inquest. At which day, if such witnesses come not, that their issues that were first returned upon them be forfeited; and the taking of the inquest be not deferred because of their absence. And by reason of the absence of witnesses that belong to franchises, where the King's original writ does not run, that the taking of such inquest be not delayed.

Inquests not to be delayed by absence of witnesses to deeds.

III. And whereas it is contained in the statute made at Westminster the second day of April, in the 27th year of the reign of Edward, father

Inquests determinable in the Bench may be taken in the country.

Edward pere nre seign^r le Roi qe ore est vint septimo qe les enquestes & les conissaunces deuant Justices del vn baunck & de lautre a iugez fuissent prises deuant ascun des Justices des places associez a luy vn Chiualier du Countee ou les enquestes sroient a prendre si les enquestes ne fuissent de g^{nt} examenement & qe en tiels enquestes s^rndre fust fait sicom les Justices verroient qⁱ fust a fere au pfit du roialme le quel estatut ad besoigne destre mous [declare.]¹ Acorde est qe les enquestes & Jureetz qe sont & s^rount aprendre en pleez de lre[que ne so]¹nt mye de g^{nt} examenement soient prises en pays deuant vne Justice de la place [ou le p]¹lee est associez a luy vn pdh^{me} du pais chiualier ou autre issint qe stein iour [seit d]¹one en Banck & stein iour & leu en pays en s^rsence des pties si le demaundant le prie. [Et]¹ auxi les enquestes & Jurets en plee de lre qⁱ demaundent g^{nt} examenement soient [pris]¹es en pais en la fourme susdite deuant deux Justices du Baunck & eit la Justice ou [les]¹ Justices poer a recorder nounsutes & defautes en pays as iours & lieux qⁱ s^rront assignez come desus est dit. Et ceo qil afont fait en les choses susdites, soit reporte en Baunck au iour done & illoqs enrolle & sur ceo iugement rendu. Et nentent mie le Roi qes les dites enquestes & Jurets ne puissent estre prises en Bank si eles viengent ne qe cest estatut sestent a graunt assises. Et auxi vne Justice del vn Baunck & de lautre associe a luy vn pdhome du pais chiualier ou autre a la requeste du pleintif preigne les enquestes des pleez pledez & a pleder qe sont meuez p attachementz & destresces. Et eit poer de recorder les nounsutes come desus est dit, & s^rndre les enquestes p defautes illoques faites. Et qant a les assises de drein s^rent & les enquestes s^r bref de quare impedit prendre, soit fait come il est contenuz en le secound estatut de Westmⁿ. Et eit la Justice poer de recorder nounsutes & defautes en pais & s^r ceo iugement doner come en Baunck & seit reporte en Baunck ceo qil afa fait & illoqs soit enrolle. Et si issint aueigne qe le Justices ou la Justice qe s^rount ou s^ra assigne de s^rndre tieles enquestes en pais ne veignent pas ou ne veigne en pais au iour

¹ Torn.

of our lord the King that now is, that inquests and recognitions adjudged before Justices of the one Bench and of the other, for judgment, should be taken before any of the Justices of the Places, there being associated with him a knight of the county where the inquests should happen to be taken, if the inquests should not demand great examination; and that in taking such inquests the Justices do as they see most expedient for the profit of the realm; which statute has need of being more fully declared. It is agreed that inquests and juries that are and shall have to be taken in pleas of land, that require not great examination, be taken in the country before a Justice of the Place where the plea is, there being associated with him a substantial man of the country, knight or other, so that a certain day be given in the Bench, and a certain day and place in the country, in the presence of the parties, if the demandant request it.

And also that the inquests and juries, in pleas of land that require great examination, be taken in the country, in the manner above-said, before two Justices of the Bench.

IV. And that the Justice or Justices have power to record non-suits and defaults in the country, at the days and places which shall be assigned, as before is said. And what they shall have done in the things above-mentioned, be reported in the Bench on the appointed day, and there inrolled, and thereupon judgment be given. And the King does not intend that the said inquests and juries should not be taken in the Bench, if they come, nor that this statute should extend to great assises. And also that a Justice of the one Bench and of the other, having associated with him a substantial man of the country, knight or other, at the request of the plaintiff, take inquests of pleas pleaded and to be pleaded, that are moved by attachments and distresses; and have power to record nonsuits as above is said, and to take the inquests by defaults there made. And as to taking assises of *Darrein Presentment* and the inquests upon writ of *Quare Impedit*, Justices in the country may record non-suits, defaults, &c. that it be done as is contained in the Statute of Westminster the second. Assises of Darrein Presentment, &c. And that the Justices have power to record nonsuits and defaults in the country, and to give judgment thereupon, as in the Bench, and what they shall have done be reported in the Bench, and there be inrolled. And if it happen, that the Justices or Justice that shall be assigned to take such inquests in the country, come not into the country at the day assigned, yet that the parties and the persons of the inquests keep their day in the Bench.

assigne, iadumeins les pties & les gentz de lenqueste gardent lour iour en Baunk. Et p^r ceo q̄ souenere plainte ad este faite en la Court le Roi qe les returns qe Baillifs des ffraunchises qe ount plein return des Brefs le Roi ount liſez as viscountes apres ount este chaungez & en autre maniere retournez en la Court le Roi a g^{nt} damage des ascuns des pties & en deleiaunce de droittura. Acorde est qe des ret^rnez qe desore se ferrount as viscountes p Baillifs des tieles ffraunchises, soit fait endent^e plenere entre le Baillif de la ffraanchise nome p son ppre nune & le viscount nome p son ppre nomz. Et si nul viscounte chaunge retourn issint liſez a lui p endent^e & de ceo soit atteint a la suite le seign^r de la ffraanchise dount il aſſa tiel retourn receu si le seign^r aſſa damage encoru ou sa ffraanchise soit enblemie a la suite de la ptie qe aſſa damage encoru p cele encheson, soit puni deſus le Roi come de faus return & rende au seign^r & a la ptie damage a double. Aussint est acorde qe desore viscontes & autres Baillifs qe receiuent brefs le Roi Retournables en sa Court mettent [leur]¹ ppres nunes od lour retourns issint qe la Court puisse sauoir a q̄ f̄ndre des tieux retourns si mestier soit. Et nul viscounte ou autre baillif en ses returns entrelesse son noun, soit greument amerciez al oepe le Roi. Ensement p^r cōmun p̄fit du poeple acorde est q̄ nul Ministre en Cite ne en Burgh q̄ p reson de [son]¹ office dait garder assises des vins & de vitailles tant come il f̄ra entend[daunt]¹ a tiel office, ne Marchaunt des vins ne des vitalles en gros ne en retaile. [Et si]² nul face & de ceo attaint la Marchaundie dount il f̄ra atteint soit forfait [au Roi]² & la tierce ptie & la tierce ptie³ soit liſe come de doun le Roi a celui a q̄ sui[te le tres]² passour f̄ra issint atteint. Et en ceu cas soit resceu celui q̄ voudra suivre p^r [tieu]² chose attein dre. Et Chaunceller, Tresorer, Barons del Eschequer Justices [del un]² Baunk & de lautre & Justices assignes as assises f̄ndre receiuent tieux plaint[es]² p bref & sauns bref & les f̄minent & pfacent totes les choses contenuz en [cest]² article en la fourme auant dīte. Et iadumeyns puit le Roi assigner ses Justices a ceste chose pfaire en Citez & en Bourghes quant & la ou il plerra &c.

¹ Obliterated.² Torn.³ Words repeated in MS.

V. And whereas frequent complaint has been made in the King's court that the returns, which bailiffs of franchises, that have full return of the King's writs, have delivered to Sheriffs have been afterwards changed, and in other manner, returned into the King's court, to the great damage of some of the parties and in delay of right; it is agreed that of returns which hereafter shall be made to the Sheriffs by bailiffs of such franchises, full indenture be made between the bailiff of the franchise named by his proper name, and the Sheriff by his proper name. And if any Sheriff change the return so delivered to him by indenture, and be thereof attainted, at the suit of the lord of the franchise, whereout he shall have received such return, if the lord shall have incurred any loss, or his franchise be impaired, at the suit of the party that shall have sustained loss through that cause, that he be punished towards the King for the false return, and yield to the lord and to the party double damages. Also it is agreed, that from henceforth Sheriffs and other bailiffs who receive the King's writs returnable in his court, put their own names to their returns, so that the court may know who are answerable for such returns, if need be. And if any Sheriff or other bailiff leave out his name in his returns, that he be heavily amerced to the King's use.

Returns in franchises shall be made by indenture between the bailiff and the sheriff.

Sheriffs and bailiffs shall set their names to their returns.

VI. Also for the common profit of the people, it is agreed, that no officer in city or in burgh, who by reason of his office ought to keep assises of wines and victuals, so long as he shall be employed in such office, traffic in wines or victuals, either in gross or by retail. And if any do so and be thereof attainted, the merchandise whereof he shall be attainted be forfeit to the King, and that the third part thereof be delivered as the King's gift to the party at whose suit the offender shall be so attainted. And in such case, he shall be received who shall be willing to sue to obtain such thing. And that the Chancellor, Treasurer, Barons of the Exchequer, Justices of the one Bench and of the other, and Justices assigned to take assises, receive such complaints by writ, and without writ, and determine them, and perform all things contained in this article in form above-said. And nevertheless the King may assign his Justices to execute this thing in cities and in burghs, when and where he shall please, &c.

No officer keeping assise of wines and victuals shall traffic therein during office.

17 EDWARD II. A.D. 1324.

[CLOSE ROLL, 18 EDWARD II., *m.* 2 *f.* art. 12.]

A CORDE est empris e assentu p les þlatz Countes Barouns e tot le cōmun poeple en pleyn plement¹ a Dyuelyn al mois de Pask en lan du regne nre seignr le Roy Edward fitz au Roy Edward dize septime en þsence de la Justice Chaunceller Tresorer e touz les autres du consail nre seignr le Roy en Irlaunde q̃ la cōmune ley les ordynaunces de Dyuelyn oue les bones vsages de la fr̃e soient teuuz e meyntenuz en chescun de lour pointz. E en amendement de dites choses les dites Countes Barouns e les autres g^auntz de Lynnage en pleisaunce de dieu seint Eglise nre seignr le Roy e du cōmun poeple vnt g^aunte ⁊ empris taunt q̃ au pschein plement q̃ eaux solome lour poer þndront e ferount prendre les felouns robeours e larouns de lour braunche e sournoun e lour alherdauncez saunz lour fr̃ementz offendre en lu de Marche e touz autres felouns ⁊ maufesours notories q̃ fr̃ount trouez ⁊ receptez en lour seignryes en fr̃e de pees a lour ppres custages e dedenz lour Countes ou ilz puissent les ditz felouns ⁊ maufesours trouer e þndre sauns pil de lour corps ou custages mettre e ceaux q̃ ensuit fr̃ount prises amenerount ou ferount amener a la Court̃ nre seignr le Roy Justisables salue lestat des seignrs des franchises en resoun. E prient les ditz Countes e g^auntz qilz puissent estre assoutz de la sentence done a Kilkenñ pour touz trespaces en fourme d[u] seint Eglise du temps passe e q̃ le renoueler de cele sentence soit respite tauntq̃ al pschein plement quele priere p touz les þlatz Justice e les autres du consail lour est g^aunte. En teismoignaunce de queles choses monfr Richard de Bourk Count Dulvester, monfr Thomas le fitz Joh^an Count de Kildare, monfr Joh^an de Bermyngh^am Count de Loueth, monfr Morice le

¹ The statutes enacted in this Parliament were confirmed in a later one, held in Kilkenny. 19 Edward II.

17 EDWARD II. A.D. 1324.

IT is agreed, undertaken, and assented to by the prelates earls, barons and all the common people, in full parliament at Dublin in the month of Easter, in the seventeenth year of the reign of our lord King Edward, son of King Edward, in the presence of the Justiciar, Chancellor, Treasurer, and all the others of the Council of our lord the King in Ireland, that the common law, the ordinances of Dublin, with the good usages of the land, be held and maintained in every of their points. And for amendment of the said matters, the said earls, barons, and the other grantees of lineage, to please God, Holy Church, our lord the King, and the common people, have granted and undertaken that until the next parliament, according to their power, they will take and cause to be taken, the felons, robbers and thieves of their own family and surname, and their adherents, without breaking their oaths, in the territory of the March, and all other felons and notorious evildoers, who shall be found and received in their lordships, in land of peace, at their own charges, and within their counties, where they can find and take the said felons and evildoers, without incurring peril of their bodies or costs, and those who shall afterwards be taken, they shall bring or cause to be brought to the courts of our lord the King, to be amenable to justice, saving in reason the estate of the lords of franchises. And the said earls and grantees pray that they may be absolved from the sentence pronounced at Kilkenny in form of Holy Church, for all trespasses in time past, and that the renewal of that sentence be delayed until the next parliament, which prayer is granted them by all the prelates, the justices, and the others of the Council. In witness whereof, sir Richard de Bourk, earl of Ulster, sir Thomas son of John, earl of Kildare, sir John de Bermyngham, earl of Louth, sir Morice the son of Thomas, sir John de

Common law. ordinances of Dublin and usages of the land to be maintained.

Grantees undertake to take felons, &c. of their own family and adherents, in their lordships and the marches.

And pray absolution from sentence pronounced at Kilkenny.

fitz Thomas, monf^r Johⁿ de Barry, monf^r Johⁿ le Poer de Dunoye, monf^r Arnald le Poer, monf^r Thomas le Botiller, monf^r Richard de Tuyt, monf^r Nichol de verdun, monf^r Morice de Rochefort, monf^r Reymound Lercedekne, monf^r Thomas de Dene, monf^r Richard le Waleys, monf^r Robt fitz Matheu de Cauntetoñ, George de la Roche, Dauý le fitz Alisaundre de la Roche, a la partie de ceste endenture demoraunt deüs ñre seign^r le Roy vnt mis lour seals e a la ptie demoraunt deüs les ditz g^auntz ñre seign^r le Roy ad mis son seal. Doñ a Dyuelyn le iour e lan anaunt ditz.

Barry, sir John le Poer of Dunoye, sir Arnald le Poer, sir Thomas le Botiller, sir Richard de Tuyt, sir Nicholas de Verdun, sir Morice de Rochefort, sir Reymund the archdeacon, sir Thomas de Dene, sir Richard le Waleys, sir Robert son of Matthew de Caunteton, George de la Roche, Davy the son of Alexander de la Roche, to the part of this indenture remaining with our lord the King have put their seals, and to the part remaining with the said grandees, our lord the King has put his seal. Given at Dublin the day and year aforesaid.

19 EDWARD II. A.D. 1325.

[CLOSE ROLL, 20 EDWARD II., art. 167.]

STATUTUM DE HIBERNIA.

EDWARD par la grace dieu Roi Dengleſe Seign^r Dyrlaunde & Ducs Daquitaigne as Erceuesq̄s Euesqes Abbes Priours Countes Barouns Justices Viscountes Prouostes Ministres & as tous ses bailifs & foialx salutz. Come nad gaires as Oicetaues da la Purificaçon ñre dame lan de ñre regne tierz a ñre plement somonis & tenus adunqes a Kilkenny feussent ascunes ordinaunces & estatuz faitz par lassent de Johⁿ Wogan ñre Justice & les autres de ñre conseil adonq̄s en ñre fr̄e Dirlaunde & lassent de Erceuesq̄s Euesq̄s Countes Barouns & les autres de la cõmunalte de ñre dite fr̄e Dirlaunde illoeq̄s esteauns. Et au moys de Pasce lan de ñre regne tredzime feussent ensement autres ordinaunces & estatutz a ñre plement adonq̄s tenus a Diuelyn faitz p lassent de Roger de Mortimer ñre Justice & les autres de ñre conseil adonq̄s en ñre fr̄e Dirlaunde auaundite. Et lassent des Erceuesq̄s Euesq̄s Countes & Barouns & les autres de la cõmunaltez de ñre dite fr̄e Dirlaunde adonq̄s illoeqes esteiauntz al hon^r de dieus & de seint Eglise al pfist de ñre poeple & meintieгнаunce de ñre pees de ñre dite fr̄e Dirlaunde as tous iours a tenir & a durer. Et al ñre plement tenus a Dyuelin al mois de Pasche lan de ñre regne dis & septisme p lassent de Johⁿ de Arcy ñre Justice & les autres de ñre conseil adonq̄s en meisme ñre fr̄e Dirlaunde & lassent des Erceuesqes Euesq̄s Countes barõs & les autres de la cõmunalte de ñre dite fr̄e Dirlaunde adonq̄s illoeq̄s esteiauntz feussunt ascunes ordinaunces faites a tenir & a durer tanq̄ au plement donq̄s pchein siwaunt puis a ñre plement tenus a Kilkenny a la quinzeiyne de la natiuete seint Johⁿ le baptist lan de ñre regne dis & noefuisme q̄ feu le pchein plement tenus aßs, par lassent del dit Johⁿ de Arcy ñre Justice Dirlaunde & les autres de ñre conseil adonqes en ñre dite fr̄e Dirlaunde & lassent des Erceuesq̄s Euesq̄s Abbes

19 EDWARD II. A.D. 1325.

STATUTE OF IRELAND.

EDWARD by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to the archbishops, bishops, abbots, priors, earls, barons, justices, sheriffs, provosts, ministers, and to all his bailiffs and faithful people, greeting : Whereas lately in the octaves of the Purification of Our Lady in the third year of our reign, at our parliament summoned and then held at Kilkenny, certain ordinances and statutes were made, by the assent of John Wogan our Justiciar, and the others of our council then in our land of Ireland, and by the assent of the archbishops, bishops, earls, barons and the others of the commonalty of our said land of Ireland there being. And in the month of Easter in the thirteenth year of our reign, were also other ordinances and statutes made in our parliament then held at Dublin, by the assent of Roger de Mortimer, our Justiciar, and the others of our council then in our land of Ireland aforesaid, and the assent of the archbishops, bishops, earls and barons and the others of the commonalty of our said land of Ireland, then there being, to the honour of God and of Holy Church, for the benefit of our people and maintenance of our peace of our said land of Ireland, to hold and endure for ever. And in our parliament held at Dublin in the month of Easter, in the seventeenth year of our reign, by the assent of John de Arcey, our Justiciar, and the others of our council then in the same our land of Ireland, and the assent of the archbishops, bishops, earls, barons and the others of the commonalty of our said land of Ireland, then there being, certain ordinances were made, to hold and endure until the parliament then next ensuing. Afterwards at our parliament held at Kilkenny in the quinzaine of the nativity of Saint John the Baptist, in the nineteenth year of our reign, which was the next parliament afterwards held, by the assent of the said John de Arcey, our Justiciar of Ireland, and the others of our council then in our said land of Ireland, and the assent of the archbishops, bishops, abbots, priors, earls and barons and

Parliament
at Kilkenny,
3 Edw. II.

Parliament
at Dublin,
13 Edw. II.

Parliament
at Dublin,
17 Edw. II.

Parliament
at Kilkenny,
19 Edw. II.

Priours Countes & Barouns & les autres de la cōmunalte de ñre dite f're Dirlaunde adonq's illoeq's esteiauntz grauntez furunt ordeignez & establiz tous les pointz souzscripta. Cest assauoir q̃ tous les estatutz & ordeignaunces faitz en les plementz susditez soient tenus gardez & meytenuz en tous lurs pointz en ñre dite f're Dirlaunde a durer a tous iours, Auxi bien celes ordeignaunces q̃ furunt ordinez a ñre dit plement tenus a Dyuelin au mois de Pasches lan de ñre regne dis septisme a durer tanq̃ a ñre plement pchein siwaunt come les autres. Et come en les ditz parlementz ordeine soit q̃ chescune Cheueuteigne de g^{unt} lyneage castie ceaux de seon lyneage & de soen s'noun & ceuax de soen lyneage & de soen s'noun q̃ trespassent encountre ñre pees & tous larouns robbeours felouns meffisours notoires & toutz lurs aherdantz qen sa seig'ie serrunt troue & recette en f're de pees βndra et rendra iustizables a ñre Court solum la forme en les ditz ordeignaunces estatutz contenuez. Et en meisme les ordeignaunces & estatuz ne soit ordeine punicioun sur les cheueuteyns q̃ ceo ne fount ordinez est ē etabli q̃ chescun cheueuteyin q̃ ceo ne fra ou tut son poer soit reint a ñre volunte as touts les foitz q̃ il f'ra de ceo atteint. Estre ceo ordine est assentu & etabli q̃ nul hūme veigne desoremes arme ne afforciement en les villes ou nous nos heirs ou nos Justiç tendrout nos geñaulxs plementz, meis en venaunt deūs meisme le villes veigunt armez & auxi fortz p^r sauuacionn de lur corps saunz vilenie mal ou damage faire, come il verrount qil serra a faire. Et nous les auauntдитеz estatuz & ordeignaunces issint al honour de dieu & de seint eglise & au cōmū pfit de ñre poeple & meintenaunce de ñre pees en ñre dite f're Dirlaunde faitz & ordinees acceptoms ratephioms pur nous & nos heirs & les confermoms a durer pur tous iours. En tesmoignaunce de qele chose cestez nos lettres auoms faitz faire patentes de f're seal q̃ nous vsoms en Irlaunde ensealees. Doneez en ñre plein plement a Kilkenny le xi^o iour de Juyl lan de ñre Regne dis & noefisme.

the others of the commonalty of our said land of Ireland, then there being, were granted, ordained and established all the points underwritten, to wit, that all the statutes and ordinances made in the aforesaid parliaments be held, kept and maintained in all their points in our said land of Ireland, to endure for ever, as well those ordinances that were ordained in our said parliament held at Dublin in the month of Easter, in the seventeenth year of our reign, to continue until our next ensuing parliament, as the others. And whereas in the said parliaments it was ordained that every chieftain of great lineage should chastise those of his own family and of his own surname, and those of his own family and surname who trespass against our peace, and all thieves, robbers, felons, notorious malefactors, and all their adherents, who should be found and received in his lordship, in land of peace, he shall take and render amenable to justice at our Court, according to the form in the said ordinances [and] statutes contained. And [as] in the same ordinances and statutes there be no punishment ordained against the chieftains who do not so, it is ordained and established that every chieftain who will not act so with all his power, be fined at our will every time that he shall be thereof attainted. Further it is ordained, agreed and established that no man from henceforth come armed or in force into the towns where we, our heirs or our Justiciar are holding our general parliaments, but in coming towards the said towns, they may come armed and as strong as they may see necessary to do for the defence of their bodies, without doing wrong, injury or damage.

Statutes, &c.,
made in all
the above to
be observed.

Penalty on
chieftains not
chastising
evildoers of
their own
family.

And we, the aforesaid statutes and ordinances, so to the honour of God and of Holy Church, and to the common benefit of our people, and maintenance of our peace in our said land of Ireland, made and ordained, do accept, ratify, for us and our heirs, and confirm them, to endure for ever. In witness whereof we have caused these our letters to be made patents, sealed with our seal that we use in Ireland. Given in our full parliament at Kilkenny, the 11th day of July, in the nineteenth year of our reign.

19 EDWARD II. A.D. 1326.

[LIBER ALBUS OF THE CORPORATION OF DUBLIN, fol. 42d.]

CES sunt les ordeinaunces de lestaple Dengleſſe Irlaund e Gales fetes en temps le Rey Edward fitz le Rey Edward lan de son regne diz e Nefime.

The estatut
of the
estaples, &c.

Edward p la g^{ra}ce dieu Roy Dengleſſe seignur Dirlaund e Ducs Daquitainge au Meir de sa Cite de Diuelyn salut. No^r vo^r maundo^r fermeñt enioinauntz q̄ les choses de south escrites, ordeine p no^r e ñre conseil pur cōmun pfit e esement du poeple de tut ñre Roialme e poer facez crier e publier e fermeñt tenir e garder en ñre Cite auantdite et p tut en v̄re baillie.

Staple
Citties and
townes, &c.

I.—Primes qe lestaple des Marchauntz e des Marchaundises Dengleſſe Irlaund e Gales nomeñt des leyns quyr̄s peaux lanuz e desteym seit tenus en meismes les f̄res e nule pt aillours e ceo en les lieux desuthditz cest a sauoir a Noefchastel sur Tyne, Euerwyk, Norwicz, Loundres, Wýncestre, Exestre e Bristuyt pur Engleſſe, Diuelyn, Drogheda e Cork pur Irlaund, Salopesbur̄ kermdyn e kerdif pur Gales. E pur lesteym de Cornewaýle a Lostwythiel e a Treuren. E p^r lesteym de Deuenschire a Aysptoñ, e non pas aillo^rs en Engleſſe Irlaund ou Gales.

Et qe totes gentz aliens puissent illoeques e non pas aillours e Engleſſe Irlaund ou Gales f^runcheñt achater e quere Leyns quyr̄s e peaus e aut̄rs marchaundises e a Aysptoñ Lostwythiel e Treuren esteym e ne pas aillo^rs e quel eure qils eient achatez lur marchaundises as ditz lieux e en la forme susdite e paie lour custumes e eient sur ceo f̄res seales du seal du coket, puissent les dites leyns quyr̄s peaus esteym e autres Marchaundises mener e quele f̄re qe eux voillent si ceo ne seit en f̄re qe seit en gerre ou en enemite deñs no^r ou ñre Roialme. Et qe les Marchauntz est^runges soient de ceo garniz.

19 EDWARD II. A.D. 1326.

THESE are the ordinances of the staple of England, Ireland, and Wales, made in the time of the king Edward son of King Edward, in the nineteenth year of his reign.

Edward, by the grace of God, king of England, lord of Ireland and duke of Aquitaine, to the mayor of his city of Dublin, greeting. We command you, firmly enjoining, that the things under written, ordained by us and our Council for the common profit and relief of the people of the whole of our realm and jurisdiction, you cause to be proclaimed and published, and firmly kept and observed in our city aforesaid, and by everyone in your bailiwick.

First that the staple of the merchants and the merchandises of England, Ireland and Wales, namely of wools, hides, wool fells and of tin, be held in the said lands and not elsewhere, and that in the places under-mentioned, that is to say, at Newcastle-on-Tyne, York, Norwich, London, Winchester, Exeter and Bristol for England; Dublin, Drogheda and Cork for Ireland; Shrewsbury, Carmarthen and Cardiff for Wales. And for the tin of Cornwall at Lostwithiel and at Truro. And for the tin of Devonshire at Ashburton, and not elsewhere in England, Ireland or Wales.

And that all aliens may there and not elsewhere in England, Ireland or Wales, freely buy and obtain wools, hides and skins and other merchandises, and at Ashburton, Lostwithiel and Truro, tin, and not elsewhere; and when they have bought their merchandises at the said places and in the aforesaid form, and paid their customs and have thereupon letters sealed with the seal of the cocket, they may carry the said wools, hides, skins, tin and other merchandises into whatever land they please, if it be not in a land which is at war or in enmity against us or our realm. And that merchant strangers be warned hereof.

I.
Staple for
Ireland to be
held in
Dublin,
Drogheda, and
Cork.

Aliens may
there barter
wools, &c.,

and carry
them any-
where on
payment of
custom.

II.—E qe nul alien p luy ne p autre p'voînt ne ap'teînt poesse p aillo's achatre leÿns ou autres Marchaundisez susdites fors qe as ditz lieux sur forfeiture des leÿns e autrez Marchandisez susdits qil aïont issint achatez.

E qe les Marchauntz Denglefre Irlaund e gales qe voillent mener leÿns quÿrs peaus ou esteÿm hors des estaples p aillours a vendre ne les puissent pas mener des estaples hors de ñre poer taunt qe il eient demores q'nze io's as ascune des estaples a vendre e des adonques aillent oue les dites Marchaundises la ou ils voillent saunz estaple faire ou tenir nule parte hors hors¹ des dites f'res ne denz les dites f'res aillo's qe as lieux desuthdites.

III.—Et qe totes gentz Dengiefre Irlaund e Gales puissent leÿns e totes autres Marchaundises vendre e acheter quele part qils vodrount en les dites f'res issint qe la vente ne se face mÿe as aliens forsqe a lestaple. E qe leÿns quirs peaux e esteÿm ne seient nule part menez hors des dites f'res par aliens ne densēz forsqe des estaples auantditz.

IV.—E qe les Marchauntz de ñre poere ne facent entre eaux conspiracie ne cōfēderacōn p' amenuser le p's des leÿns ou de autrez Marchaundises susdites ne pur delaier Marchauntz est^aunges en lachate ou vente de lo^r Marchaundises e ceux qe le ferrount e de ceo puissent estre atteintz, seint greuousement puniz solome le ordeinement de no⁹ e de ñre bon conseil. E qe chescun seit resceu pur no⁹ qe suÿre vodra pur tiels atteindre, e punir e seit tiele suÿte faite deuaunt nos chiefs Justices ou autres qi no⁹ vodrons a ceo assigner, e nemÿe aillours. E qe les Marchauntz e les gentz de Gascoÿne e de la duschec de Guÿenne qi isount ore, ou pur temps s'rout de la foi e lobbeissaunz de no⁹ e de ñre fitz e heir seient tenus denseins e non pas aliens en totes cestes bosaignes.

V.—E qe touz Marchauntz p'uez e est^aunges seient demenes a la leÿ Marchaunde en totes choses qe touche Marchaundise faite as lieux de Estaples.

¹ Word repeated in MS.

And that no alien by himself or by another privily or openly may purchase elsewhere, wools or other merchandises aforesaid, except at the said places, upon forfeiture of the wools and other merchandises aforesaid, which they shall have so purchased.

II.
No alien may purchase elsewhere on penalty.

And that the merchants of England, Ireland and Wales, who wish to carry wools, hides, skins or tin away from the staples to sell elsewhere, may not carry them away from the staples out of our jurisdiction, until they have tarried fifteen days at any of the staples to sell them, and then they may go with the said merchandises where they will, without making or holding staple in any part without the said lands, or within the said lands, elsewhere than at the places aforesaid.

Articles of the staple not to be carried out of the jurisdiction until merchants tarry 15 days at any of the staples.

And that all men of England, Ireland and Wales, may sell and buy wools and all other merchandises at any place they wish in the said lands, provided that the sale be not made to aliens, except at the staple. And that wools, hides, skins and tin be not in any part carried out of the said lands by aliens or denizens, except from the staples aforesaid.

III.
Sales to aliens, only at the staples.

And that the merchants of our jurisdiction make not among themselves a conspiracy or compact, to lessen the price of the wools or of other merchandises aforesaid, nor to delay merchant strangers in the purchase or sale of their merchandises, and that those who do so and thereof can be convicted, be heavily punished, according to the ordinance of us and of our good council. And that every one be accepted on our behalf, who is willing to sue for the conviction and punishment of such, and that such suit be made before our Chief Justices or others whom we will to assign hereto, and not elsewhere. And that the merchants and the men of Gascony and of the duchy of Guienne, who now are or for the time shall be, of our fealty and allegiance, or of that of our son and heir, be held as denizens and not as aliens in all these businesses.

IV.
Merchants not to conspire to lessen price of wool, &c., penalty.

Men of Gascony and Guienne to be held denizens.

And that all merchants, native and strangers, be governed by the law merchant in all things which affect merchandise, transacted at the places of the staples.

V.
Merchants to be governed by the law merchant.

VI.—E qe nul hōme ne feme de Burgh ne de Cite ne la cōe des gentz hors de Burgh ou de Cite en Englefre Irlaunde ou Gales aßs noel pchein a venir vsent drap de lour achate demein qe ðra achate aßs la dite feste de Noel, si ceo ne seit drap fete en Englefre Irlaund ou Gales sur gref forfeiture e punissemt sicome no^r p ñre bon conseil vodroums sur ceo ordenier. E fait a sauer qe totes gentz ðrout entenduz de la cōe en ceo cas hors p's Rei e Reigne Countes e Barouns Chiualers e dames e lour enfauntz Neez despouse, Erceuesques e Euesques e autres psones e gentz de seinte Eglise e seculers qe p'rout despendre p an de lour rentes xl ti desflinges, e ceo iesques ataunt qil pleise a nous p ðre bon conseil ceste ordeinement e defens plus auaunt estendre.

VII.—E qe chescun hōme ⁊ fēme Denglefre, Irlaund e Gales puissent faire draps auxint lōges e auxint courtz come eux vodront.

VIII.—E qe totes gentz eient plus g'unt volunte de laborer sur les oßaignes des draps en Englefre Irlaund e Gales, nous voloms qe totes gentz sachent q no^r g'unfoms f'unchises couenables as folours felers teent'ers e as autres oßours des draps qe de cele mest^r souereinemt viēnt quel eure qe tieles f'unchises no^r soient demaundez.

IX.—E qe g'unte seit as Marchauntz des leyns qe eux eient un Meir de susdites estaples.

X.—E qe totes marchauntz est'unges eient le plus g'unt volunte de venire sur ñre poer e ipuissent plus sauuemt dem^rer ⁊ reuener, no^r les pnoms corps e biens en ñre pteccōn. E defendoms sur greue forfeiture qe nul leur face mal ne damage en corps ne en biens en venaunt dem'aunt ou retournaunt, issint qe si ascuns les facent damage coudre ces pteccion ⁊ defens, ceux de la ville dount les meffesours ðrout soient tenuz a respoudre des damages ou des cors des

And that no man or woman of a burgh or city, nor the commonalty of the people outside a burgh or city in England, Ireland or Wales, after Christmas next ensuing, use cloth of their own buying, that shall be bought after the said feast of Christmas, if it be not cloth made in England, Ireland or Wales, upon heavy forfeiture and punishment, as we, by our good council, will to ordain thereupon. And be it known that by the commonalty in this case shall be understood all people, except the King and Queen, earls and barons, knights and ladies and their children born in wedlock, archbishops and bishops and other persons and men of holy church, and seculars, who can expend yearly of their rents forty pounds sterling, and this as long as it pleases us, by our good council, to extend this order and prohibition.

VI.
Citizens, burghers, and commonalty to use only cloth made in England, Ireland, or Wales.

"Commonalty" defined.

And that every man and woman of England, Ireland and Wales, may make cloth as long and as short as they please.

VII.
Cloth may be made long or short.

And in order that all people may be more willing to work upon the making of cloth in England, Ireland and Wales, we will that all men know that we shall grant suitable franchises to fullers, spinners, dyers and other workers in cloth, who live mainly by this trade, what time such franchises be asked of us.

VIII.
To encourage cloth working, franchises will be granted to fullers, spinners, &c.

And that it be granted to the wool-merchants that they may have a mayor of the aforesaid staple.

IX.
Wool merchants to have a mayor of the staple.

And in order that all merchant strangers may be the more willing to come under our jurisdiction, and may be able with greater safety to abide and return, we take them, their persons and goods, into our protection. And we forbid, upon heavy forfeiture, that anyone do them wrong or injury in person or goods, while they are coming, abiding or returning, provided that if any do them injury, contrary to this protection and prohibition, they of the town to which the evildoers shall belong, be bound to answer for the damages or

X.
Merchant strangers taken under the King's protection.

If injured, towns to answer.

meffesours, e qe Meir ou baillifs des villes ou Nauie est p'gnent surete pur quele il vodrount respoundr a lour pil des Marifls de mesme la Nauie chescun foitz qil isterount hors des hauenes qil ne mefferrount ne mesporlunt vs nuli countre ces articles.

En testmoignance de quele chose cestes nos tres oütes auoms faite ensealer de ñre seal. Donez a Keneylworth le p^m io^r de Maij Lan de ñre Regne diz e Neofime.

for the persons of the evildoers ; and that the mayor or bailiffs of the towns where the shipping is, take surety, for which they will be ready to answer at their peril, from the sailors of the said shipping, each time that they shall depart from the harbours, that they will not do wrong or misconduct themselves towards anyone, contrary to these articles.

Bonds from
sailors for
their conduct
towards
them.

In witness whereof we have caused these our letters patent to be sealed with our seal. Given at Kenilworth the first day of May, in the nineteenth year of our reign.

5 EDWARD III. A.D. 1331.

[MEMORANDA ROLL OF THE EXCHEQUER, 5 AND 6 EDWARD III.,
m. 2f.; AND RED BOOK OF THE EXCHEQUER IN IRELAND,
fol. 4d.]

(Red Book.) **O**RDINAC^oES¹ acte in pliamento apud Westm̃ tempore
 Rege E. ꝑcii tento put tam inferius ⁊ in Ro^l Memo^r
 Sc^ocii . . . ꝑio s^ci Michis anno eiusdem Regis quinto q^{to}m
 in Ro^l C. . . . hibⁿ de anno sexto d^ci Regis irrotul^a
 cont^r.

(Mem. Roll.) ² B^ria de Angt et Cancellar^h Hibⁿ lib^{er} ad sc^ocium Dubliⁿ in ꝑm^o
 s^ci Michis anno r̃ r̃ E. ꝑcii post cōquestū q^{nto}.

Statuta Angt. Edwardus dei gr̃a Rex Angt Dñs Hibⁿ ⁊ Dux Aquitⁿ Justic^h
 Cancell^{er} ⁊ The^s suis Hibⁿ saltm. Mandamus vobis qđ articlos
 subscriptos quos ꝑ emendacione status ꝑre nre Hibⁿ ⁊ quiete
 ⁊ tⁿquillitate poplⁱ nri ibidem ꝑ ausamentū consilii nri in
 vltimo pliamento nro apud Westm̃ tento ordinauimus in d^ca
 ꝑra Hibⁿ q^{ntu} ad vos attinet teneatis ⁊ obseruetis ⁊ ꝑ alios
 fideles nros d^ce ꝑre teneri ⁊ obseruari faciat^s. Tenor autem
 articloꝝ ꝑd^coꝝ talis est—. In ꝑⁱmis Justic^h Hibⁿ qui nunc est
 vel qui ꝑ tempe fuit non concedat Cartas ꝑdonacionis de morte
 hōis n^o de roberiis ⁊ incendiis aliquibz, nisi de roberiis ⁊
 incendiis ante festū Pasche anno regni dñi E. Rege Angt
 ꝑcii post Conquestū Quinto ꝑpetratis, et qđ dece^o certificet
 Regem de nōibz huiusmodi ꝑdonaciones ꝑtenciū ⁊ de

¹ Entitlement in *Red Book*.

² Entitlement in *Mem. Roll*.

5 EDWARD III. A.D. 1331.

ORDINANCES made in a parliament held at Westminster in the time of king Edward the Third, as they are contained, as well below, and in a Memoranda Roll of the Exchequer [of Ireland of] Michaelmas term, in the fifth year of the said King, as in a roll of the C[hancery] of Ireland of the sixth year of the said King enrolled.

Writes out of England and the Chancery of Ireland, delivered at the Exchequer, Dublin, in Michaelmas term, in the fifth year of the reign of king Edward the Third after the conquest.

STATUTES OF ENGLAND.

Edward by the grace of God King of England, lord of Ireland and duke of Aquitaine, to his Justiciar, chancellor and treasurer of Ireland, greeting. We command you that the underwritten articles which, for the improvement of the state of our land of Ireland and the quiet and tranquillity of our people there, by the advice of our council in our last parliament held at Westminster, we have ordained, in the said land of Ireland, you, as far as to you belongs, hold and observe, and by our other faithful subjects of the said land you cause them to be held and observed. The tenor of the aforesaid articles is as follows :—

I. Firstly, the Justiciar of Ireland who now is, or who for the time shall be, shall not grant charters of pardon for the death of a man, nor for any robberies and burnings, except for robberies and burnings before the feast of Easter in the fifth year of the reign of the lord Edward, King of England, the third after the conquest, committed. And that from henceforth he certify the King of the names of those seeking such pardons and his advice thereon, and that the King do

Articles of
last parliament at
Westminster
to be observed
in Ireland.

Limit of
charters of
pardon, &c.

auisamento suo, et qđ Rex faciat inde voluntatem suam, et qđ nult in f̃ra Hib̃n exnũc faċ tales pdonaciones infra lib̃tatem vel ext^a sub g^aui forisftura dñi Regis.

Iťm qđ d̃cus Justiċ deceso non concedat tuicionē pacis felonibz ad siluam existentibz. Iťm qđ vna ⁊ eadem Lex fiat tam Hib̃nicis q^m Anglicis, excepta s̃uitute Betagioz penes d̃nos suos eodem modo quo vsitatũ est in Angt de villanis. Iťm qđ Justiċ nec aliquis alius Minister decetero non det alicui custodiam vel Maritagĩ alicuius hered ad Regem ptinencia, nec pdonet debita Regis seu fines aŃficiamenta vel catalla forisfta, set qđ Justiċ ⁊ alii Ministri huiusmodi custodias ⁊ Maritaġ vendant ⁊ at cōmodũ Regē inde faċ iux^a discreciones suas.

Ita qđ viċ ⁊ Coronatoř deceso eligant^r p Cōitates Comitatuũ, et non alio modo, et qđ catalla forisfta remaneant in custodia villataz. Iťm qđ Justiċ seu aliquis alius Minister non recipiat aliquē Magnatem in plegiũ vel manucaptorem ṽsus d̃nm Regem nisi quatenus ad cōmodũ dñi Regis viderint faciend. Iťm qđ Justiċ obsides p conseruacione pacis sibi liberatos in Castris dñi Regē faciat saluo custodiri ad sumptus suos pprios, et qđ si ip̃i qui posuerunt huiusmodi obsides condiciones ⁊ conuenciones quas fecunt non obseruent, Justiċ faciat Justiciam ⁊ Judiciũ de huiusmodi obsidibz. Iťm qđ Justiċ seu aliquis Magnas Hib̃n non concedat ptectiones alicui cont^a pacem Regē existenti. Iťm qđ nullus Minister¹ Regē deceto

¹ The copy in the Red Book ends here.

therein his will, and that no person in the land of Ireland henceforth give such pardons within a Liberty or without, under a heavy forfeiture to the lord the King.

II. Also that the said Justiciar from henceforth shall not grant the tuition of the peace to felons being in the woods. No protection to felons in woods.

III. Also that one and the same law be made as well for the Irish as the English, except the service of betaghs in the power of their lords, in the same manner as is used in England concerning villeins. Same law for Irish as English, save service of betaghs.

IV. Also that neither the Justiciar nor any other officer from henceforth give to any person the wardship or marriage of any heir, appertaining to the King, nor pardon debts of the King, whether fines, amercements or chattels forfeited, but that the Justiciar and other officers sell such like wardships and marriages and make other profit thereof for the King, according to their discretions. The King's wardships and marriages to be sold for his profit.

V. Also that from henceforth the sheriffs and coroners be elected by the communities of the counties, and not in any other manner, and that chattels forfeited remain in the custody of the townships. Sheriffs and coroners to be elected by communities of the counties.

VI. Also that the Justiciar or any other officer shall not receive any magnate in pledge or mainprise towards the lord the King, unless as far as for the advantage of the lord the King they shall see it meet to be done. No magnate in mainprise towards the King.

VII. Also that the Justiciar cause the hostages for the preservation of the peace to him delivered to be safely kept at his own costs, in the castles of the lord the King, and that if they who have given such hostages observe not the conditions and conventions which they shall have made, the Justiciar shall execute justice and judgment upon such hostages. Hostages for peace to be kept in King's castles, &c.

VIII. Also that the Justiciar or any magnate of Ireland shall not grant protections to any person being against the King's peace. No protection to any being against the King's peace.

recipiatur in plegiū vel manucaptorē vsus dum Regem. Iṫm qđ fines de vaccis decesso p redemptione non capiant^r set denarii. Iṫm qđ Treuga capta ⁊ capienda in^o Anglicos ⁊ Hibnicos decesso obseruet^r, et qđ neutra pars dampnū alteri durante huiusmodi Treuga inferat, et si fecerunt p feloniam heat^r. Iṫm qđ nullus vtlagatus in gildabili receptet^r infra libtates nec econfuso, et inde fiat ordinacio p Justic ⁊ alios Ministros ⁊ dnos libtatū. Iṫm qđ viç ⁊ alii Ministri cōputent quot anno semel ad minus si cōmode fieri possit. Iṫm qđ senescallus alicuius dñi Hibñ non ponat^r in aliquo officio Regis. Iṫm qđ Theṣ Rege vel aliquis alius Minister Rege vbi ipse intendere non potest supuideat quolibet anno Castra Rege ⁊ statū eorūdem, et qđ emendari fac defectus eorūdem. Iṫm qđ viç in ret^rnis que faciūt de hribz dñi Rege ponant nōia sua. Ita qđ quitt viç de exit forisftis ⁊ aliis pficuis que requirunt^r sō nōie viç ofet^r ad sc^aem p tempe suo pprio. Iṫm qđ ext^anei non assignent^r Collectores Custumaz Rege set Burgenses villaz ubi tales custume colligi debent assignent^r ad eas colligend^o, et hoc fiat de potencioribz ⁊ discrecioreibz. Iṫm qđ Justic fac

IX. Also that no officer of the King from henceforth be received in pledge or mainprise towards the lord the King.

No officer of the King to be pledged towards him.

X. Also that fines of cows from henceforth be not taken for redemption, but money.

Money to be taken in fine.

XI. Also that a truce taken and to be taken between the English and Irish from henceforth shall be observed, and that neither party do injury to the other during such truce, and if they do, that it be held for felony.

Truce between English and Irish to be observed.

XII. Also that no outlaw in geldable land be received within Liberties, nor conversely; and that order be made thereon by the Justiciar and other officers and the lords of Liberties.

No outlaw in geldable land to be received in Liberties, and conversely.

XIII. Also that the sheriffs and other officers account every year, once at the least, if it can be conveniently done.

Sheriffs, &c., to account once a year.

XIV. Also that the seneschal of any lord of Ireland be not placed in any office of the King.

A lord's seneschal not to be an officer of the King.

XV. Also, that the King's Treasurer, or some other officer of the King, where he himself cannot undertake it, inspect every year the King's castles and the state thereof, and that he cause their defects to be remedied.

King's castles to be inspected yearly by the Treasurer.

XVI. Also that the sheriffs put their names in the returns which they make of the writs of the lord the King, so that every sheriff be charged at the Exchequer for his own time, for the issues, forfeitures, and other profits which are demanded under the name of the sheriff.

Sheriffs to put their names in returns to writs.

XVII. Also that strangers be not appointed collectors of the King's customs, but that burgesses of the towns where such customs should be collected, be appointed to collect them, and that this [appointment] be made from among the most influential and discreet.

Burgesses to collect customs in towns.

inquirere quoti anno de Ministris dñi Rege, et eoꝝ fciis, et qđ puniat delinquentes p consiliū et auisamentū Cancell Theſ et alioꝝ de consilio Rege et ammoueāt insufficientes et ponas sufficientes. Itē qđ nullus manuteneat nec ducat kernos nec gentes vocatas Idelmen nisi in marchiiis suis ppriis, et ad custus eoꝝdem, nec fač prisas. Itē qđ omēs Ministri Regis qui tenentꝝ ad computandꝝ, et non hent fꝝas seu teñ suffiē in Hibñ inueniant manucapcionē in Hibñ ad respondendꝝ Regi de compꝝ suis ibidem. Itē qđ omēs hentes fꝝas et teñ in Hibñ tam religiosi qꝛm alii pꝝmuniantꝝ qđ resideant in eisdem, si sint in Marchiis vel alibi vel ponant sufficientē custodiam p conseruacione pacis in eisdem, citra festū sꝛi Petri ad vincula pꝝ futuꝝ, et si non fecint qđ Rex in eaꝝ defectū, fꝝas et teñ illa in manū suam capiet et de sufficienti custodia eoꝝdem ordinabit. Itē qđ nullus cuiuscūqꝝ status seu condicionis manuteneat foueat nec defendat Hibñicos, seu aliū quēcūqꝝ contra pacem dñi Rege insurgentē. Et si aliquis sic fecit et inde conuictus fꝛit, p felone heatur. In cuius rei testimonꝝ has fꝝas nꝛas fieri fecimus patentes. T. meipso apꝝd Croyndonꝝ fꝛcio die Mārcii anno rñ Quinto. p ipm Regem et cons.

Veñ hic irroꝝ p manus Thoñ de Burgh Theſ Hibñ xixº die Nouembꝝ anno supꝝdco.

XVIII. Also that the Justiciar cause inquiry every year concerning the officers of the lord the King, and their proceedings, and that he punish delinquents by the counsel and advice of the chancellor, treasurer and others of the King's Council, and remove the inefficient, and place efficient persons [in their stead].

Justiciar to enquire yearly as to the King's officers, &c.

XIX. Also that no person maintain or lead kernes or persons called idlemen, except in their own marches and at their own costs, nor take prises.

No kernes or idlemen, save in their own marches.

XX. Also that all the King's officers who are bound to account, and have not lands or tenements sufficient in Ireland, find mainprise in Ireland to answer to the King concerning their accounts there.

King's officers to find mainprise to account.

XXI. Also that all persons having lands and tenements in Ireland, as well religious persons as others, be forewarned that they reside in the same, whether they be in the marches or elsewhere, or that they place sufficient guard for the preservation of the peace in the same, before the feast of St. Peter ad vincula next to come, and if they shall not do so, that the King, on their default, take the said lands and tenements into his hand and make order concerning their sufficient keeping.

All having lands in Ireland to reside in same, or place guard in them.

XXII. Also that no person of whatsoever state or condition, maintain, favour, or defend Irishmen or any other person whatever, rising against the King's peace. And if any person do so and be thereof convicted, that he be held as a felon.

None to favour the Irish who are against the King's peace.

In witness whereof we have caused these our letters to be made patents. Witness myself at Croydon the third day of March in the fifth year of our reign.

By the King himself and Council.

They came here to be enrolled by the hands of Thomas de Burgh, treasurer of Ireland, the nineteenth day of November in the year aforesaid.

5 EDWARD III. A.D. 1331.

[MEMORANDA ROLL OF THE EXCHEQUER, 5 AND 6 EDWARD III.,
m. 2.f.]

pro Rege de
reuocac.

EDWARDUS dei gr̃a Rex Angl̃ Dñs Hib̃n & Dux Aquit̃
dilectis & fidelibz suis Antonio de Lucy Justic̃, Ade de
lymbergh Cancellar̃, & Thome de Burgh Thẽs suis Hib̃n salim.
Quia in plamento nro nup apud Westm̃ tento p nos βatos,
Comites, Barones, & cõitatem regni nri concordatum fuit, qd
om̃es donaçoes p nos facte postq̃m suscepimus gubernacia
regni nri de castris, villis, Massiis, terris, teñ, Wardis, custodiis,
Maritagiis, Balliis, & libtatibz reuocent̃ & eadem castra, ville,
Massia, terre, teñ, Warde, custodie, Maritagia, Ballie & libtates
resumant̃ in manũ nram p eo qd negocia nos & statũ regni
nri & terre βdçe contingencia p quosdam tunc consiliarios nros
deducta fuerant ad nri dampnũ & dedecus ac depaupacõem
popli dicti regni, Vos mandamus qd om̃ia castra, villas, Massia,
terras, teñ, Wardas, custodias, Maritagia, Ballias & libtates p
nos postq̃m gubernacia regni nri suscepimus, data, concessa,
seu cõmissa in manũ nram resumatis, et ea ad opus nrm p
bonos & sufficientes Custodes p vos ad hoc deputand̃, saluo
custodiri fac̃, qui de exitibz inde puẽientibz nob̃ ad sc̃cim nrm
Dubliũ respondeant put decet. T.' meip̃o apud Croyndoñ
q'nto die Marcii anno ř ñ q'nto.

Veñ hic irrotuland̃ p manus Thom̃ de Burgh Thẽs xxi° die
Januar̃ 3 sup̃dcto.

6 EDWARD III. A.D. 1332.

[WRIT FOR OBSERVANCE IN IRELAND OF SEVERAL STATUTES.]¹

The King to his trusty and well-beloved Anthony de Lucy, his
justiciar of Ireland, greeting. Certain statutes by us, the Prelates,
Earls, Barons, and other great men of our realm, published in divers
our parliaments, since we took upon us the government of our realm,
we send unto you, in patent form, commanding that the statutes
aforesaid, and all the articles therein contained, in our aforesaid land
of Ireland, as well within liberties as without, you cause to be publicly
proclaimed; and as much as to you and our people of those parts

¹ The text, taken from Statute Roll (Engl.) m. 26, is printed in *Statutes of the Realm*, I., p. 320.

5 EDWARD III. A.D. 1331.

For the King, } EDWARD by the grace of
 concerning resumption. } God, King of England,
 lord of Ireland and duke of Aquitaine, to his beloved and
 faithful Anthony de Lucy, his justiciar, Adam de Lymbergh
 his chancellor, and Thomas de Burgh his treasurer of Ireland,
 greeting. Whereas in our parliament lately held at West-
 minster, by our prelates, earls, barons and commons of our
 kingdom, it was agreed that all gifts by us made, after we
 undertook the government of our kingdom, of castles, towns, ^{Castles, lands,}
 manors, lands, tenements, wardships, custodies, marriages, ^{&c., granted}
 bailiwicks and liberties should be revoked, and the said ^{after the King}
 castles, towns, manors, lands, tenements, wardships, custodies, ^{undertook the}
 marriages, bailiwicks and liberties be resumed into our ^{government}
 hand, by reason that matters concerning us and the state of ^{to be resumed}
 our kingdom and land aforesaid, by certain of our then ^{into his hands.}
 councillors were carried out to our injury and dishonour, and the
 impoverishing of the people of the said kingdom; we command
 you that all castles, towns, manors, lands, tenements, ward-
 ships, custodies, marriages, bailiwicks and liberties, by us,
 after we undertook the government of our kingdom, given,
 granted or committed, you resume into our hand, and the
 same to our use, by good and sufficient keepers by you for this
 purpose to be deputed, you cause to be safely kept, who of the
 issues thereout accruing shall answer to us at our Exchequer
 of Dublin, as is meet. Witness myself at Croydon the fifth
 day of March, in the fifth year of our reign.

This came here to be enrolled by the hands of Thomas de
 Burgh, treasurer, the twenty-first day of January in the
 year aforesaid.

belongs, to be firmly kept and observed. Witness the King at North-
 ampton, the 11th day of April, in the sixth year of the King aforesaid.
 ¶ The following Statutes were sent into Ireland with the foregoing
 writ:—

1 Edward III. 1327. Statutes I. and II. Westminster. (See
Statutes of the Realm, I., p. 251).

2 Edward III. 1328. Northampton. (See *Statutes of the Realm*,
 I., p. 257).

4 Edward III. 1330. Westminster. (See *Statutes of the Realm*,
 I., p. 261).

5 Edward III. 1331. Westminster. (See *Statutes of the Realm*,
 I., p. 265).

16 EDWARD III. A.D. 1342.

[RED BOOK OF THE EXCHEQUER IN IRELAND, VOL. 13-20.]¹

[L]ES petitions] qensuent furent baillez a ñre seign^r le Roi de ffrance & Dengleſſre p frier John [Larcher] Priour del hospital seint John de Jerſm en Irlaund & monſ Thomas Wogan enuoi[ez au Roy] en message p les Prelatz Countz Barons & la cõe de la terre Dirlande oue autr^s [articles queux] le Roi p lauisemēt de son consail ad ordeine queles petitions furont diligealmēt [examinez &] responduz p le consail le Roi et les responses escriptes seſſalmēt aſſ chescun pe[ticion &] puis le Roi oyz & entenduz les dites petitiones & responses si acorda & comanda q̄ lez [dites] responses oue les autres articles feussent tenutz & maintenuz en toutz pointz sur les pei[ſnes con]tenuz en ycelles.

[Tres]ch seign^r ptie de les defautes p^r quoi vous nestes mie responduz des issues de v̄re l̄re Dirlande come votz pgenit^s soleient, estre si sont p les enchesons q̄ ensuont cest asauior [aire] q̄ auxi bien votz Manoirs, Chasteux, fforcelets & autres votz demeines l̄res dount votz pgenitours soleient resceuire grandes issues & pfts come les Manoirs, Chasteux & fforcelets Dulues^l & de Connaght q̄ furont al Counte Dulues^l & ore sont en v̄re garde dount sire vo^r auiez en Connaght la Jurisdiccione real p tut de reison & de queles les Countz Dulues^l soloient auoir grandes issues & auantages & ensemēt sire autres diſſes l̄res & tempaltez q̄ deuient en v̄re [gar]de p defaute de boncs ministres q̄ y dussent auoir mis bone goſnemēt si sont mltz des[trutz] issint sire q̄ poi de profit vient a vous de toutes celles l̄res & pmie meismes les l̄res issint destrutz & fieblement gardez, les l̄res veisinales si sont destrutz pont sire la tierce pte & plus de v̄re l̄re Dirlande q̄ fust conquis en temps de votz pgenit^s est ore deuenutz en la

¹ Blanks in the original, caused by obliterations, &c., are supplied from text (extended) printed in *Calendar Close Rolls, Edward III., 1341-3* (P. R. O. series), p. 608, taken from *Close Roll* (Engl.), 16 Edward III., pt. 1, m. 26d. The text also appears in Frynne's *Antimadversions* (1660), p. 278.

16 EDWARD III. A.D. 1342.

[THE Petitions] which follow were presented to our lord, the King of France and England, by brother John [Larcher], prior of the Hospital of St. John of Jerusalem in Ireland, and sir Thomas Wogan, sent to the King as messengers by the Prelates, Earls, Barons, and the Commonalty of the land of Ireland, with other articles, which the King, by the advice of his Council, has ordained; which Petitions were diligently [examined and] answered by the King's Council, and the answers written severally after each Petition; and then the King, having heard and attended to the said Petitions and answers, agreed and commanded that the [said] answers, with the other articles, should be held and maintained in all points, upon the penalties therein contained.

Petitions to
the King from
Ireland, with
answers.

The answers,
&c., to be
observed.

I. [Very] good lord, part of the defaults, by reason whereof you are not answered of the issues of your land of Ireland, as your progenitors were wont to be, are due to the following causes, namely, [sire] that as well your manors, castles, fortalices, and other your demesne lands, out of which your progenitors were wont to receive great issues and profits, as the manors, castles, and fortalices of Ulster and of Connaught, which belonged to the Earl of Ulster, and which are now in your custody, of which, sire, you have in Connaught the royal jurisdiction by every right, and of which the Earls of Ulster were wont to have great issues and advantages; and likewise, sire, divers other lands and temporalities which come into your [custody] are by want of good officers, who ought there to have placed good government, so much destroyed, that, sire, little profit accrues to you out of all those lands; and besides the same lands so destroyed and feebly guarded, the neighbouring lands are destroyed, whereby, sire, the third part and more of your land of Ireland, which was conquered in the time of your progenitors, is now come into the hand of your

Reasons for
want of profit
from the
King's lands.

meine de votz enemis Irreys & votz liges gentz Engleis sont tant espouerez q̃ apeine poent ils viure. Et issint sire q̃ p greuance des ditz enemis dune pt & excesse doffice des ministres dautre pt come fra ben moustre vo^r nestes mie responduz des issues & profitz de ṽre dite f̃re, sicome vos pgenitours soleient estre ne votz ditz lieges ne se poent contenir sanz remedie de ṽre bon seigñrie.

C. A ceste peticion p^r ceo q̃ ele est gēral si nest mie respoñce done ici, mais celle est assez respondue en les autres articles qensuent q̃ sont mis en especial.

C. Ensement sire come nulle f̃re ne p^rra estre ben goūne sanz ley & armes, vos Ministres sire en Irlande failont souent en lune et en lautre, Cest assauoir sire q̃ p la ou y li ad continuele gerre en Connaght et aillours en ṽre dite f̃re pentre les linages Engleis p defaute sire q̃ votz Ministres ne viēgnōt point pur fere execucione de loi deū̃s les mesfesours ne les restreignent p force darmes ceux pais sont tant destrutz & troblees q̃ sire pnez nul pfit.

C. Le Roi enuoiera bones gentz p^r enquerre des choses q̃ sōūt mespris & pur les redrescer en due mañe, et si voet il ordiner illoq̃s bones Ministres p^r gouer̃n ben la f̃re & meinteñ la lei.

C. Ensement sire votz Ministres chiauchent [ascu]ne foitz efforcēmēt en ṽre dite f̃re ou il nad meister p cause de resceuire gages q̃ destrut ṽre Tresor.

C. Le Roi defent seur greue forfait̃e qils ne chiauchent [de gerre] ne ne facent tiels despenses mais en la mañe mais q^{nt} il busoigne et soit enquys [queux] ont fait al encontre & soient punitz solonc la q^{ntite} du trespas de quele estat [qils soient].

C. Ensemēt sire vos Chasteux de Roscoman, Radoñ & Athlon, Bonrat [& autres chas]teux & fforceletz q̃ dussent estre en ṽre maine & p q̃ux tut le pais [entour soloit estre] conforte

Irish enemies, and your English lieges are so impoverished that they can hardly live. And accordingly, sire, by trouble from the said enemies on the one side, and official misconduct of the officers on the other side, as shall be well proved, you are not answered of the issues and profits of your said land, as your progenitors were wont to be, nor can your said lieges maintain themselves without remedy from your gracious lordship.

To this petition, because it is general, no answer is here *Answer.* given, but it is sufficiently answered in the other articles which follow, which are framed in particular.

II. Also, sire, though no land can be well governed without *Officers not law and arms,* your officers, sire, in Ireland, often fail in the *executing the law by force of arms.* one and in the other; that is to say, sire, that whereas there is continual war in Connaught and elsewhere in your said land among those of English blood, by default, sire, of your officers in not coming to execute the law upon evil doers, and not restraining them by force of arms, those countries are so destroyed and troubled, that, sire, you receive no profit.

The King will send trusty people to enquire into the matters *Answer.* which are done amiss, and redress them in due manner, and it is his will to ordain there good officers to govern the land well, and to maintain the law.

III. Likewise, sire, your officers [some]times ride in force *Officers ride in force, with a view to fees.* in your said land, where there is no need, for the sake of receiving fees, which destroys your treasure.

The King forbids, under a heavy penalty, that they ride *Answer.* [to war], or any longer cause such expenses in this manner, except when it is necessary, and let enquiry be made as to those who have done the contrary, and let them be punished according to the amount of trespass, of what estate soever [they be].

IV. Likewise, sire, your castles of Roscommon, Randon *Castles, &c., in the enemy's hands by default of the King's officers.* and Athlone, Bunratty [and other castles] and fortalices which ought to be in your hand, and by which all the country

¶ defendu si sont ore en meines des Irreis enemis et p cestes [defautes cest] assauoir sire q̃ les Tresorers Dirlande q̃ deussont βstemēt auoir paie [as Conestables] lur feez, ils ne le voloient pas faire eins delaierent la paie [tantqil lour couendroit ent re]lleser g^{nde} ptie pur auoir le remanent issint sire q̃ les dits [Conestables ne poent] leurs offices couenablement pfournir ¶ iademeyns sire les ditz Tresorers [ont entz plener] allowance sur leurs acomptes des fees auantditz.

C. Ensemēt [sire ascuns ont la gar]de des Chasteux q̃ ia ny mettont le pee. Et ascunes des [Ministres ont la garde des chas]teux pur couetise des grandes fees ¶ mettont en lur [lieu gentz de rient a meindres] custages qils poent eschaper et issint sire sont votz Chasteux ¶ fforcelets les vns abatu[tz et les] vns en meines des Irreis enemis ¶ les autres en g^{nde} pil destre pduz, et ceo sire p defaute des bons Ministres q̃ y dussent amendement mettre.

C. Q^{nt} as Tresorers q̃ ne [volloient] paier p temps ¶ q̃ p^{ster}ont ptie pur faire la remenant ¶ ont euz allowance del [tut sur] lurs accomptes; soit enquis ¶ due punissemēt fait de eux. Et les Tresorers paient desore les fees βstemēt sur peine de respondre au Roi ¶ a son poeple des damages q̃ [ent auen]dront p lur defaute ¶ le Justice ou son lieutenant surueye q̃ les Chasteux le Roi soient ben estuffez des gentz darmes archiers ¶ des autres garnisons solonc la suffissan-[cy]e des fees des Conestables ¶ solonc ce q̃ la chose demande de necessite ¶ solonc ceo [q̃ d]antiquite soloit estre fait. Et q^{nt} a ceux q̃ ount la garde des chasteux le Roi [¶ ne de]moerent point sur lur dites gardes ¶ ensemēt as Ministres qenpnent la garde des [Chas]teux le Roi pur couetise des g^{ndes} fees soit mande au Justice Dirland ou a son lieutenant qil mette tiels Conestables ¶ tiels garnisons en Chasteux qils purront sauuer les Chasteux ¶ aider au pais enuiron ¶ qis demoergent sur lur gardes sur peine de respondre au Roi ¶ a

[around was wont to be] strengthened and defended, are now in the hands of the Irish enemies, and by these [defaults], that is to say, sire, that the Treasurers of Ireland, who ought promptly to have paid [the constables] their fees, would not do it, but delayed making payment [until they agreed to] forego a great part, in order to have the remainder, with the result, sire, that the said [constables cannot] properly perform their offices; and nevertheless, sire, the said Treasurers [have thereof full] allowance on their accounts of fees aforesaid.

Likewise, sire, certain persons have the custody of castles, who never set foot in them. And some of [the officers have custody of castles] through greed of large fees, and put in their [place men of no substance at less] cost, which they are able to conceal, and so, sire, your castles and fortalices are, some in ruins, some in the hands of the Irish enemies, and others in great danger of being lost; and this, sire, for want of good officers, who ought to make amendment herein.

As to the Treasurers who [would] not pay in time, and who took part, as a condition for payment of the remainder, and have had allowance of [all on] their accounts, let enquiry be made, and due punishment executed on them. And let the Treasurers henceforth pay the fees promptly, on pain of answering to the King and to his people for the losses which may happen therein by their default, and let the Justiciar or his lieutenant see that the King's castles be well furnished with men at arms, archers and other equipments, according to the adequacy of the fees of the constables, and according as necessity demands, and as from olden time was wont to be done. And as to those who have the custody of the King's castles, and do not dwell on their said wards, and likewise as to the officers who undertake the custody of the King's castles through greed of large fees, be it commanded to the Justiciar of Ireland or his lieutenant that he put such constables and such equipments in the castles that they may be able to preserve the castles, and aid the country around, and that they dwell on their wards, on pain of answering to the King and to

Neglect of
King's
castles.

Answer.
Treasurers.

King's castles
to be well
equipped.

Sufficient
custody of
same.

son poeple des damages qauendront p lours defautes. Et q̃ autres q̃ ont la garde des Chasteux en pais de doun le Roi en fee ou en autre manere y metront couenable garnison solonc l'assentement de lurs fees & demoureront sur lur gardes sur peine de perdre lur gardes des ditz Chasteux oue les appartenances & de respondere au Roi & as autres des damages q̃ ensi auendront p lur defaute. Et q̃ pur nul mandement q̃ vendra du Roi nul hōme eit garde du Chastel sil ne demourge en ppre persone & face ceo q̃ atient come desuis est dit, et soit mande vne bref au Justice ou son lieutenant & vne autre au Chanceler q̃ si ensi soit q̃ celui a qi la garde est g̃ante ne y uoile dem'ier ; qils facent autre en son lieu. Et soit mande au Tresorer qil ne paie gages a celui fors q̃ pur le temps qil demourt & pur les gentz qil retient.

C. Ensement sire vortz Ministres donnent fees pur la garde de Chasteux auxi ben la ou Chasteux ne sont mie come la ou ils sont seur quei sire si hom enquerge ben s'ra trone q̃ Tresorers enount plaine allowance sur lours acomptes p la ou ils nount paie fors poi ou nient.

C. Le Roi deffent q̃ rienz ne soit paie pur la garde du Chastel pdu ou abatu & soit enq's de ceux q̃ ont ensi follement paie & respoignent ent au Roi. Et soient baillez as ceux q̃ enqueront les t'nsesc'pts des acomptes des Tresorers renduz a Leschequer & soient puniz solonc lur desert a la suite du Roi & de ptie, et q̃ le Justice ou son lieutenāt & le Chanceler Dirland q̃ pur le temps s'ront suruoient chescune an oue bone diligēce auxi bien les pcelles des acomptes desouz Ministres & de ceux q̃ paient gages de gerre & de tous autres acomptables al Tresorer en Leschequer touchantz les acōptes des Tresorers come doit Tresorer meismes, & si rien soit a chalenger y mettōt lours chalenges & meismes les acomptes & pcelles issint s'ueuz & examinez ensemblement oue lur

his people for the losses that may happen by their defaults. And that others, who have the custody of castles in the country, of the King's gift in fee, or in any other manner, place in them suitable equipment, according to the proportion of their fees, and dwell on their wards, on pain of losing their custody of said castles, with the appurtenances, and of answering to the King and to others for the losses which shall thus happen by their default. And by no warrant which shall come from the King let any man have custody of a castle, if he dwell not [there] in his own person, and do what appertains thereto as is above said. And let a writ be sent to the Justiciar or his lieutenant, and another to the Chancellor, that if it be so that he to whom custody is granted, will not dwell there, that they appoint another in his place. And be it commanded to the Treasurer that he pay him no wages save for the time that he dwell there and for the men that he retains.

V. Likewise, sire, your officers give fees for the custody of castles, as well where castles are not as where they are ; as to which, sire, if enquiry be made, it will clearly be found that Treasurers have full allowance on their accounts, whereas they have paid but little or nothing.

The King forbids that anything be paid for the custody of a castle lost or thrown down, and let enquiry be made of those who have thus foolishly paid, and let them answer for it to the King. And let the transcripts of the Treasurers' accounts rendered to the Exchequer be delivered to those who shall make enquiry, and let them be punished according to their desert at the suit of the King and of the party, and that the Justiciar or his lieutenant and the Chancellor of Ireland the time being, examine each year with good diligence, as well the parcels of the accounts of the under officers and of those who pay wages of war, and of all others accountable to the Treasurer in the Exchequer, touching the accounts of Treasurers, as ought the Treasurer himself ; and if there be anything to challenge, let them put thereon their challenges, and let the accounts themselves and the parcels so surveyed and examined,

chalenges soient clos souz les seals des ditz Justice ou son lieutenant & Chancellor & le seal del Eschequer, & enuoie en Englefre quele hure q̃ les Tresorers front mandez pur lur acomptes rendre.

C. Ensement sire plusours autres choses sount come douns de ṽre dit poeple a vous sire faitz & prises de vittailles pur ṽre gerre descoce & aillurs de quoi sire plaine allowance est fait as Tresorers sanz paiement faire a ceux des queux les vittailles sont ensi p̃s ou gre auoir de vous sire pur lur douns.

C. Soit enquis & puny come deuant.

C. Ensement sire diſses Eschetours viscontes & autres Ministres acomptables sont faitz ascunz p Comissions de dela & ascuns de decea & sont g̃uement endettez a vous sire & poi ount ou nient dount paier & ascuns passent en Englefre & ascuns moerent p decea, issint sire q̃ ṽre poeple nest descharge de ceo qils leuent de eux ne vo' sire suy en destresse de ṽre tresore & gref damage de ṽre poeple.

C. Soit enquis de teux Ministres q̃ ount este et le Roi certefie des nouns [& de] leurs mainpno's & de leurs terres & tenementz & bienz quele pt qils soient. Et si voet [le Roy] q̃ desore le Justice son lieutenant Chancellor ne Tresorer Dirlande pur nul man[dement] q̃ lur vendra hors Denglefre resceiuent ne facent nul Ministre acomptable [sil ne] soient suffisant de respondre au Roi & au poeple solonc ceo q̃ y apent et [si nulles] q̃ ount este ensi Ministres soient demorantz en Englefre & ne ount rendutz acōpte [soit] la court ey ſtifie de leurs nouns & soit pces fait ṽs eux en Englefre de les [faire] venir en Irlande a Leschequer de rendre lur accompte illecoques, & y soit fait ceo q̃ [la ley] voet pur le Roi & pur autre.

together with their challenges, be closed under the seals of the said Justiciar or his lieutenant and the Chancellor, and the seal of the Exchequer, and sent into England, whenever the Treasurers shall be directed to render their accounts.

VI. Likewise, sire, several other things there are, as gifts Payment for of your said people made to you, sire, and prises of victuals victuals taken. for your Scotch war and elsewhere, of which, sire, full allowance is made to the Treasurers without payment being made to those from whom the victuals are so taken, or satisfaction had from you, sire, for their gifts.

Let it be enquired of and punished, as before.

Answer.

VII. Likewise, sire, divers escheators, sheriffs and other Officers appointed, not sufficient to answer to the King. accountable officers are appointed, some by commissions on that side, and some on this, and they are heavily indebted to you, sire, and have little or nothing wherewith to pay, and some pass into England and some remain here, so that, sire, your people is not discharged of what they levy of them, nor are you, sire, served, to the distress of your Treasury and grievous loss of your people.

Let enquiry be made of such officers as have done so, and Answer. the King be certified of the names [and of] their mainpernors, Enquiry to be made, &c. and of their lands and tenements and goods, in whatever part they be. And [the King] wills that from henceforth the Justiciar, his lieutenant, the Chancellor and Treasurer of Ireland shall not, for any mandate that shall come to them out of England, receive or make any officer accountable, [if they] be not sufficient to answer to the King and to the people, according to what in that case appertains, and [if any] who have so been officers, be dwelling in England, and have not rendered Process against dwellers in England, to compel accounts here account, let the court here be certified of their names, and let process be made against them in England [to cause] them to come to Ireland, to render their account at the Exchequer there, and be that done therein which [the law] wills for the King and for other.

C. Ensement sire si nules fres eschesent en v're maine en Marche ou fors de Marche p voie de garde & soient lessez a aucune hōme votz Ministres ne[allow]ent nulle mafes des coustages mis en sustenance des dites terres p quele defaute sire manoirs sont gastez & destruitz et Chasteux abatuz come piert en Vlues^p & en Connaght & aillours en v're dite fre p quoi sire votz enemis sont le plus esbaudez & confortez.

C. Soient desoremais tieles fres lessees p bone surete de les garder en auxi bone point en tutes choses come ceux furont au iour du leas. Et si eles demoerent en la maine le Roi facent les Ministres en meisme la mafie, et s'ils ne facent soien repoinables au Roi & as heirs des dites fres q^{nt} ils ffont de plain age & ce auxi bien du temps passe come du temps auenir.

C. Ensemēt sire pur ceo q̄ ascunes de votz Ministres Dirlande embracent plusours offices p couetise de auoir mouls des fees voillez sire pur v're pfit ordiner q̄ nul de votz Ministres illeoques ne eit q̄ vne office soulemēt.

C. Le Roi voet q̄ nul Ministre neit q̄ vne office & vn fee si necessite ne le demande ne q̄ Ministre le Roi tant come il est officer le Roi p'eigne fee ou empensione de nully si le dit fee ou empensione ne lui fust g^{nte} devāt qil feust Ministre le Roi & de ceo soient les Ministres iures deuant le Chief Justice ou son lieutenant illeoques.

C. A n're seign^r le Roi moustrent votz lieges p̄latz Countz Barons & les comunes de v're fre Dirlande q̄ come diſses gentz de v're ligeance come Descoce, Gascoigne & Gales souent as temps passez ount leus¹ contre lur seign^r liege tut temps sire votz lieges gentz Engleis Dirlande se sont ben & loialmēt. contenuz deūs lur liege seig^r & toutz iours ferront si a dieu plest maintenant v're dite fre al oepe de votz pgenitours sire & de vo⁹ auxi bien encontre les Escots come les Irreys votz

¹ *De guerre* inserted here in Close Roll.

VIII. Likewise, sire, if any lands escheat into your hand, in the March or out of the March, by way of custody, and be leased to any man, your officers do not allow any manner of costs expended in support of the said lands, by which default, sire, manors are wasted and destroyed, and castles thrown down, as appears in Ulster and in Connaught and elsewhere in your said land, whereby, sire, your enemies are the more emboldened and strengthened.

Costs of maintaining leased lands, &c., not allowed.

Henceforth let such lands be leased by good security to keep them in as good condition in all things as they were on the day of the lease. And if they remain in the King's hand, let the officers do in the same manner, and if they do not, let them be responsible to the King and to the heirs of the said lands, when they shall be of full age, and this as well for time past as for time to come.

Answer.
Leases only on good security.

IX. Likewise, sire, inasmuch as some of your officers of Ireland combine several offices, through greed of having a large amount of fees, be pleased, sire, for your profit, to ordain that none of your officers there hold but one office only.

Officers holding several offices.

The King wills that an officer have but one office and one fee, unless necessity demand it, nor that an officer of the King, while he is an officer of the King, take fee or pension of any, if the said fee or pension was not granted to him before he was an officer of the King, and to this effect let the officers be sworn before the Chief Justiciar or his lieutenant there.

Answer.
One office only to be held.

X. To our lord the King show your lieges, the Prelates, Earls, Barons, and the commons of your land of Ireland, that whereas divers people of your allegiance, as of Scotland, Gascony, and Wales, often in time past, have levied [war] against their liege lord, all the time, sire, your English liege people of Ireland have conducted themselves well and loyally towards their liege lord, and always they will do so, if God please, holding your said land to the use of your progenitors, sire, and of yourself, as well against the Scots as the Irish your enemies,

English lieges in Ireland ousted from their freeholds.

enemys et ceo sire tut le plus a lours costages ppres coment sire q̄ altremēt soit tesmoigne ailleurs p̄ teux q̄ sount mandes hors Denglefre de les gofnir q̄ eux ne ount gaires de conoissance de v̄re dite fre Dirlande ne q̄ ont rienz ne poi a lur venir illeoqs dont ils poent viure & lur estat contenir tanq̄ ils soient¹ cheuis p̄ extorcions coloures de lours offices a q̄nt destruccion de v̄re poeple, coment sire qils resceiuent de v̄re Tresorie illeoqs lours fees dues & acostumez chescun p̄ son office. Et votz p̄genit's sire & vo' eiez done & ḡntes p̄ votz chres as diſses gentz de v̄re dite fre lres & teñs franchises gardes mariages & pardouns des dettes en regard p̄ lours bones ſuices p̄ v̄tue sire des queles chres ils enont este en peisible possession tantq̄ ore ia nouelement q̄ votz Ministres illaoqs p̄ mandement hors Denglefre a ceo qils dient eiont repellez & pris en v̄re meine q̄ntq̄ votz p̄genit's & vo' sire auez ensi done & ḡnte auxi bien ceo q̄ est done & ḡnte p̄ bone et resonable cause come autre, & ceo sire contre la force du dit mandemēt & tut pur auer gentz en daunger pur lur singular p̄fit quele chose sire semble a votz ditz lieges contre reson depus q̄ lurs ancestres & eaux lount ben deseruy & deseruont de iour en autre gardant & maintenant q̄ntq̄ en eux est la seign'ie de v̄re dite fre a v̄re oeps p̄ quoi vous pleso sire ordiner qils ne soient oustez de lurs francē teñs sanz estre apelle en iugement come la ḡnde chre voet.

C. Les lres teñs franchises & autres choses donez et ḡntez p̄ les p̄genit's le Roi soient restitutz & entierement liurez a ceux desqueux ils furont p̄s sauue tout foitz au Roi son droit quele hure qil purra ent estre apris ou meuls enfourmee. Et les lres teñs & franchises & autres choses donez & ḡntez p̄ le Roy meismes soient liures p̄ bone & suffissante seurte de les rendre entierement au Roi ensemblement oue les issues ent retenues puis le temps de la seurte trouee issint q̄ ap̄s la

¹ *Etent, Close Roll.*

and this, sire, all the more at their own costs, although testimony to the contrary, sire, may be borne elsewhere by those who are sent out of England to govern them, who themselves have little knowledge of your said land of Ireland, and have little or nothing at their coming there by which they can live and maintain their position, until they are supported by extortions under colour of their offices, to the great destruction of your people, although, sire, they receive from your Treasury there their fees due and accustomed each for his office. And your progenitors, sire, and yourself have given and granted by your charters to divers people of your said land, lands and tenements, franchises, wardships, marriages, and pardons of debts, in reward for their good services, by virtue, sire, of which charters, they have been in peaceable possession, until now lately when your officers there by mandate out of England, as they say, have revoked them, and taken into your hand as much as your progenitors, and you, sire, have so given and granted, as well what was given and granted for good and reasonable cause as otherwise, and this, sire, against the force of the said mandate, and all for the purpose of having people in danger for their private profit; which thing, sire, seems to your said lieges contrary to right, inasmuch as their ancestors and they have deserved well, and do deserve from day to day, guarding and maintaining, as far as in them is, the seigniorship of your said land, to your use; wherefore please it you, sire, to ordain that they be not ousted from their freeholds without being summoned in judgment, as the great charter wills.

The lands, tenements, franchises, and other things given and granted by the King's progenitors, let them be restored and delivered in their entirety to those from whom they were taken, saving always to the King his right, when he can be thereof apprised or better informed. And the lands, tenements and franchises and other things given and granted by the King himself, let them be delivered by good and sufficient security, to restore them in their entirety to the King, together with the issues retained thereout since the time of the finding of the

Answer.
Lands, &c., to
be restored.

seurete troue ne soient ostez de celles lres auant q̃ la ṽite soit seur ceo trie en cas q̃ [tieux] douns & g̃antz soient trouez repellables p̃ resone come faitz p̃ noun iuste cause ou faux suggestion. Et en cas q̃ les douns & g̃antz issit faitz p̃ le Roi soient trouez resonables & faitz p̃ ṽreie cause estoient en lur force & soit la maine le Roi ostie & demorēt les choses peisiblement as ceux as queux eles furent g̃antez & donez. Et les pdons des dettes [grantez] en temps le Roi meismes estoient en lur force & sursessent les Ministres le Roi del le[uer] au tiels dettes s̃r autele surte t̃ntq̃ les causes des ditz pdons soient duement trie sauue tute foitz le droit le Roi.

C. Ensemēt sire come votz p̃genito's & vous eiez done [e] g̃antez p̃ vos chres as ascuns de ṽre dite lre lres & teñs a fee ferme rendant p̃ an a [votre] Eschequer de Dyuelyn lours fermes solonc les extentes ent faitz a la ṽreie value par ṽtue sire des queles chres ils ont este en peisible possessione des ditz fermes tanq̃ [ore] ia nouelemēt q̃ vos susditz Ministres p̃ colour du mandemēt susdit eient repelle & pr[is] en ṽre mein meismes celles fermes contre reson depuis sire q̃ votz ditz fermers βstement paient lours ditz fermes & βstz sont & suffissantz a ceo faire seur quoi sire vo' p̃lese ordiner remedie. Et voillez sire sauoir q̃ si ceux lres & teñs demoerassent en ṽre maine vo' ne aueriez mie de cler la moite du profit come les extentes amontent.

C. Soient les dites lres & teñs luieriez as ditz ffermers p̃ bone seurte come deuant & soient veuz les extentes diceux & si eles soient trouez resonables estoient en lur force & si nemie soient extenduz de nouel solonc ceo q̃ les choses valoient au temps du lees et soient ceux q̃ les tindrent chargez de paier solonc les nouelles extentes & en celle manere les teignent auant. Et q̃ le Roi soit respondutz de les dites lres de tant come les ffermers dussont auoir renduz & de plus si la nouele

surety, so that after surety found, they be not ousted from those lands before the truth in this matter be tried, in case that [such] gifts and grants be found rightfully revokeable, as made by unjust cause or false suggestion. And in case the gifts and grants so made by the King be found rightful and made for good cause, let them stand in their force and let the King's hand be removed, and let the things remain peaceably to those to whom they were granted and given. And let the pardons of debts [granted] in the King's own time stand in their force, Pardons of ! debts to stand. and let the King's officers surcease from levying such debts on the like surety, until the causes of the said pardons be duly tried, saving always the King's right.

XI. Likewise, sire, as your progenitors and you have given and granted by your charters to some of your said land, lands Fee-farm lands retaken into the King's hands. and tenements in fee-farm, rendering yearly at [your] Exchequer of Dublin their farms, according to the extents thereof made, at the true value ; by virtue, sire, of which charters, they have been in peaceable possession of the said farms until now lately, when your aforesaid officers, by colour of the aforesaid mandate, have revoked and taken into your hand these same farms, contrary to right, since, sire, your said farmers promptly pay their said farms, and are ready and sufficient to do it ; wherefore, sire, may it please you to ordain a remedy. And you should know, sire, that if those lands and tenements remained in your hand, you would not have clear the half of the profit that the extents amount to.

Let the said lands and tenements be delivered to the said Answer. farmers by good security as before, and let the extents thereof be viewed, and if they be found just, let them stand in their force, and if not, let them be extended anew, according Such lands to be delivered to farmers and extents made. to what the things were worth at the time of the lease, and let those who hold them be charged to pay according to the new extents, and in that manner let them hold them henceforward. And let the King be answered of the said lands of as much as the farmers ought to have rendered, and of more, if the new

extente le demande. Et s'ils eient abatuz boys q̃ le Roi soit responduz de tant come il valoit.

C. Ensement sire si nul g^{nde} ou meene de votz ditz liges deuie et vous soit tenutz en plus ou en meins, votz ditz Ministres sanz moustrer somons seisent [et] pnent tantost en v^{re} meine ses f^{res} et teñs bienz et chateux sanz soeffrer ordenarie executour ou autre administrer de quei sire vo' ne pnez rien ne le heir est le plus deschargie de la dette son ancestre t^{ntq} gre soit fait a votz Ministres dont ils p^{ont} remedie.

C. Soit seisi tantq a la montance de la dette et soit le heir descharge de ceo q̃ est leue des bens son ancestre et soit enquis de ceux q̃ ont fait tieles op^{ss}iones auant ces hures et puny come deuant. Et soit defendu qils ne seison nulli biens sil ne soit dettour le Roi ou qil soit tenutz de rendre acompte au Roi et soit destresce fait tanq a la mountance de la dette et nemie outre et de tant come f^{ra} leuee des bens Lancestre soit le heir descharge. Et des autres bens Lancestre facent lordinaire et les executours ceo q̃ a eux attient et soit enquis de ceux q̃ ont seise en autre maniere et de ceo soient responsables a la suite le Roy et de ptie.

C. Ensemēt sire comēt q̃ votz comandementz veignont souent a votz Ministres Dirlande de ouster la meine des f^{res} et teñs biens et chateux quels ils ont p^{is} et seisis en v^{re} meine des gentz de v^{re} dite f^{re} Dirlande et a liūer a eux lour f^{res} et teñs biens et chateux auantditz ensemblement oue les issues puis le temps de la prise ent resceuz en qi meins qils soient deuenus votz ditz Ministres sire ne ont voluz les issues des dites f^{res} et teñs bens ne chateux auantditz solonc la force de

extent require it. And if they have cut down wood, that the King be answered of as much as it was worth.

XII. Likewise, sire, if any great man or inferior of your said lieges die, and he be bound to you more or less, your said officers, without showing summons, seize [and] take at once his lands and tenements, goods and chattels, into your hand, without suffering the Ordinary, executor, or other to administer, whereby, sire, you take nothing, nor is the heir the better discharged of the debt of his ancestor, until satisfaction be made to your officers, of which they pray remedy.

The King's officers seize goods, &c., of a crown debtor.

Let seizure be made up to the amount of the debt, and let the heir be discharged of what is levied of the goods of his ancestor, and let enquiry be made as to those who have heretofore caused such oppressions, and let them be punished as before. And be it forbidden that they seize the goods of any, unless he be a debtor of the King, or that he be bound to render account to the King, and let distress be levied up to the amount of the debt, and not beyond, and that of so much as shall be levied of the goods of the ancestor, the heir be discharged. And as to the other goods of the ancestor, let the Ordinary and the executors do what to them appertains, and let enquiry be made as to those who have seized in any other manner, and let them be answerable therefor at the suit of the King and of the party.

Answer. Seizure to the amount of debt allowed.

XIII. Likewise, sire, although your mandates often come to your officers of Ireland, to remove the hand from the lands and tenements, goods and chattels, which they have taken and seized into your hand from the people of your said land of Ireland, and to deliver to them their lands and tenements, goods and chattels aforesaid, together with the issues received thereout since the time of the taking, into whatever hands they be come, your said officers, sire, have not been willing to deliver up the issues of the said lands and tenements, goods and chattels aforesaid, according to the force of your said

Officers not delivering back lands, &c., seized.

votz susditz mandementz deliſſer, p quoi sire mlt gentz de v're dite fre sont g'uement empolez & abessez, sur quoi sire vo' plese ordiner remedie.

C. Soit enquis sur ceo & ent fet droit des teux Ministres a la suite le Roi & de ptie & ceo toutz les foitz q̃ home se sentera en tele maſſe greue deuant le chef Justice ou son lieu tenant de toutz les autres Ministres.

C. Ensement sire les Eschetours Dirlande font souent seisir diſſes Pres en v're meine plus pur auoir le fee q̃ y atient de lascher la meine des dites Pres q̃ p cause resonable a g'nde opp'ssion de v're poeple & nul pfit a vo' sire, p quoi vous [plei]se sire ordiner q̃ nul Eschetour desore mais peigne fee la ou trie soit a suite de ptie [la] seisine issint fait p eux nient droiturel.

C. Soit defenduz q̃ p la ou ils seisent p noun[iu]ste cause qils peignent nul fee, & tut soit ceo qils seisent p iuste cause ne preignent autre fee q̃ ne font les eschetours en Englefre. Et soit mande en Irlande quele [fee] les eschet's pnonnt en Englefre.

C. Ensement sire ascuns gentz p meins resonable suggestion ount suy brefs hors de v're Chancellerie Denglefre al lieutenāt v're Justice Dirlande a faire venir le corps dascunes gentz enditez en Irlande a respondre sire deuant vo' en Englefre des felonies & trespasses supposez estre fait en Irlande, quele chose sire est encontre cōe ley & reson pur quoi vo' plese sire ordiſſ q̃ la ley se face de teux enditez desore mais en Irlande come tout temps en cea ad este fait.

C. Soit fait sauuez tresons & chose q̃ touche la peone le Roi.

C. Ensement sire moustrent votz ditz lieges q̃ la ou les Irreis votz enemis q̃ marchent & ioignent as diſſes Countez se leuent de gerre si est suffert q̃ lun Counte tiegne pees en¹

¹ Ou. Close Roll.

mandates, by reason of which, sire, many people of your said land are grievously impoverished and abased : wherefore, sire, may it please you to ordain a remedy..

Let enquiry be made in this matter, and right done therein of such officers at the suit of the King and of the party, and this every time any shall feel himself aggrieved in such manner, before the Chief Justiciar or his lieutenant, of all the other officers.

Answer.

Such to have suit against them.

XIV. Likewise, sire, the escheators of Ireland often cause divers lands to be seized into your hand, more to have the fee than there appertains to removing the hand from the said lands than for reasonable cause, to the great oppression of your people, and no profit to yourself, sire ; Wherefore may it please you, sire, to ordain that no escheator henceforth take fee, where the seizure so made by them unjustly be tried at suit of the party.

Escheators' fees on unjust seizures.

Be it forbidden that where they seize for unjust cause, they take any fee, and albeit they seize for just cause, that they take any other fee than do the escheators in England. And let that [fee] which the escheators take in England be sent into Ireland.

Answer.

They to take same fees as in England.

XV. Likewise, sire, certain people by unreasonable suggestion, have sued writs out of your Chancery of England, to the lieutenant of your Justiciar of Ireland, to cause the bodies of certain people indicted in Ireland to come to answer, sire, before you in England, for felonies and trespasses alleged to have been committed in Ireland, which thing, sire, is contrary to the common law and right ; wherefore, sire, may it please you to ordain that the law be executed on those indicted henceforth in Ireland as has always been done heretofore.

Persons have to answer in England for felonies in Ireland.

Let it be done, saving treasons and anything that touches the King's person.

Answer.

XVI. Likewise, sire, your said lieges show that whereas the Irish, your enemies, who border on and join divers counties, themselves levy war, it is suffered that one county hold peace

Partial truces or peaces.

trewe oue les ditz Irreis enemis tantcome ils guerrent & destruent votz lieges des autres Countes veisnables. Et ensement sire ascunes dune Conte tenent pees ou trewe oue les ditz Irreis enemis tantcome ils guerront & destruiuent lurs veisins de meisme le Conte, seur quoi sire vo^r plese ordiner remedie.

C. Soit defendu q̄ nule trewe ne pees se ßeigne si noun p toutz & si nul face al encontre soit tenutz de couigne des enemis.

Ensemēt sire la ou les Irreis vos enemys destruiuent & occupent les f̄res de votz lieges p gerre tant auant qil bosoigne q̄ votz Ministres y uiegnent pur remedie mettre si pnent ils trewe ou pees oue les ditz Irreis et les soeffrent occuper les dites f̄res p eux destruitz auxi ben aßs la trewe ou pees come deuant, et si nuls de votz ditz lieges as queux celes f̄res son se enforcent de oster les ditz Irreys des dites f̄res durant la dite trewe ou pees, votz ditz Ministres p celle encheson pñont greuousemēt deüs eux & les font p̄ndre & enp̄soner & en p̄sone detenir & mettre a fyn & raunceon p quele cause sire ils ne se osent mes medler de lurs dites terres issint occupez p force repurchaser et issint sire dißes f̄res de votz lieges en meines de votz enemis Irreys toutz iours demoerent sur quoi sire vo^r plese ordiner remedie.

C. Soit defenduz q̄ desoremes q̄nt nulle trewe ou pees serra p̄is q̄ nule trewe ou pees ne soit mie ḡnte as enemys en maße q̄ les f̄res le Roi ou dautri demoergent deuers les enemys durant la trewe ou pees, einz safforcent les ditz gentz le Roy de recodir ceo qest en tele maße p̄dutz sanz estre chalange ou enpeschee p celle cause.

C. Ensement sire mouls gentz ont dißes seign̄ries & f̄res en v̄re f̄re Dirlande quel ne y menont¹ point mesmes ne y mettōt costages p̄ lurs dites seign̄ries & f̄res maintenir ainz les baillont ascuns a ferme & ent pñent ceo qils poent auoir & ascuns

¹ *queux ny veignent.* Close Roll.

or truce with the said Irish enemies, whilst they war on and destroy your lieges of the other neighbouring counties. And likewise, sire, some of one county hold peace or truce with the said Irish enemies, whilst they war on and destroy their neighbours of the same county, on which, sire, may it please you to ordain remedy.

XVI. Be it forbidden that any truce or peace be made unless by all, and if any do the contrary, let him be held as in league with the enemy. Answer. Truces to be general.

XVII. Likewise, sire, whereas the Irish, your enemies, destroy and occupy the lands of your lieges by war, until there be need that your officers come thither to make remedy, so they make truce or peace with the said Irish, and suffer them to occupy the said lands by them destroyed, as well after the truce or peace as before; and if any of your said lieges to whom these lands belong, endeavour to oust the said Irish from the said lands, during the said truce or peace, your said officers on that account act grievously towards them, and cause them to be taken and imprisoned, and detained in prison, and put to fine and ransom, for which cause, sire, they dare not interfere to regain their said lands so occupied by force, and so, sire, divers lands of your lieges remain always in the hands of your Irish enemies; on which, sire, may it please you to ordain remedy. Lands occupied by the Irish enemy during truces held by them after.

Be it forbidden that henceforth when any truce or peace shall be taken, that any truce or peace be granted to the enemy in a way that the lands of the King or any other remain in the hands of the enemy during the truce or peace, but let the said people of the King try to recover what is in such manner lost, without being on that account challenged or impeached. Answer. This forbidden.

XVIII. Likewise, sire, many people have divers seigniories and lands in your land of Ireland, which they do not themselves manage, nor do they there expend money for maintaining their said seigniories and lands, but they let some to farm, and take thereout what they can have, and some remain in the Proper maintenance of lands, &c.

demoeront en meines des fiebles gardeins issint sire q̃ p defaute q̃ hom ne y mette point custages damender & ben garder les dites seign'ies et f'res meismes celles & autr's f'res veisnables p celle cause sont moult destruitz seur quoi sire vo' plese remedie ordiner.

C. Soit vewe lordinance faite auant ces hures en ceo cas & si rien y soit damender soit amende & mande en Irlande & fournie en toutz pointz.

C. Ensement sire chescune an veingnont hors de v're Eschequer de Dyuelyn deux de votz Min[istres] as votz costages pur trier la verte cire en chescun Conte & q^{ant} f'mes sont assignez p vos ditz Ministres as dettours pur paier ceo q̃ poet estre leue come est troue p veredite denqu[este] p^r quele chose enquerre & la dette atf'miner chescune des dett's donne largement de [sein] as ditz Ministres quele chose faite a plutost q̃ votz ditz Ministres veingnont a v're [dit] Eschequer ils font mander garantz as vescontz a destreindre & leuer lentier de ches[cun] endette nient eiantz regard as f'mes issint g^{antez} a damage sire de vo' & opp'ssion de [votre] poeple dount sire ils p'ont remedie.

Soit defendu q̃ desoremes nul dette soit atf[mine] hors de Leschequer. Et q̃ le Chancellor ne le Tresorer Dirland ne atf'minent nulle d[ette] q̃ passe CCC. libres sanz lassent de le Justice Dirlande ou son lieutenant. Et soit enquis de ceux q̃ ont rezceux les deniers en pais & nont pas acq^{itez} les pties et [soit] fait droit &c.

C. Ensement est ordinez q̃ nul ple de dette ne de acompte ne [autre] cōe plee soit plede en Leschequer forsp's de ceux q̃ demoerent ouesq Ministres de [mes]me la place.

C. Ensement sire des vescontz Coroners souzeschet's Baillifs res[ceuours] & autres votz Ministres q̃ sont eslutz contre estatut cest assauoir Cink ou Sys f'ront destreintz de venir & faire lur serement des queux ceux q̃ ne voillent estre a la volente de votz Ministres f'ron ranceonez auant qils

hands of weak guardians, so, sire, that by default of not spending money in improving and keeping well the said seigniories and lands, these same and other neighbouring lands for that reason are much destroyed; whereupon, sire, may it please you to ordain remedy.

Let the ordinance heretofore made in this case be viewed, Answer. and if there be anything therein to amend, let it be amended, Ordinance hereon to be performed. and sent into in Ireland, and performed in all points.

XIX. Likewise, sire, each year there come from your Ex- Warrants to chequer of Dublin two of your officers, at your costs, to try the distrain where "Green Wax," in every county, and when terms are assigned terms for payment of by your said officers to debtors to pay what can be levied, as debts granted. is found by verdict of inquest, for making which inquest and attermiuning the debt, each of the debtors gives freely of [his own] to the said officers, which thing done, immediately that your said officers come to your [said] Exchequer, they cause warrants to be sent to the sheriffs to distrain and levy the entire of everyone indebted, not having regard to the terms so granted, to the damage, sire, of yourself, and the oppression of [your] people, for which, sire, they pray remedy.

Be it forbidden that henceforth any debt be attermiined out Answer. of the Exchequer, and that the Chancellor or Treasurer of Ire. No debt to be land attermine any [debt that] exceeds 300 pounds, without attermiined the assent of the Justiciar of Ireland or his lieutenant; and let out of the enquiry be made of those who have received money in the Exchequer. country, and have not acquitted the parties, and let right be done, &c.

Likewise it is ordained that no plea of debt or of account No common nor [other] common plea be pleaded in the Exchequer, save of plea in the Exchequer. those who abide with the officers of the same place.

XX. Likewise, sire, of the sheriffs, coroners, under-es- Abuses in cheators, bailiffs, receivers and other your officers who are election of elected contrary to the statute, that is to say, five or six be sheriffs, &c. be compelled to come and make their oath, of whom those who wish not to be at the will of your officers, be ransomed before

pussont estre deliurez & ceux q̄ voillent estre en office ferront pur quoi auant qils s̄ront iures & ceux q̄ s̄ront resceux en telle man̄e s̄ront remuez sanz renable cause ou acompte rendre si nul autre vodra plus doner; Issint sire q̄ les successors de tiels vescontz nallowent mie les tailles ne les diuidendes lurs predecessours.

C. Soit enquis de ceux q̄ ont ensi greue le poeple & soient duemēt puniz auxi bien a la suite de ptie come a la suite le Roi. Et lentencion le Roi est q̄ les gentz de chescune Conte elisent chescun an en Leschequer deuant le Chancellor Tresorer & aut̄s du consail psone suffissant q̄ soit reseant & eit de quoi respondre au Roi en meisme le Conte pur loffice des vescontz Et q̄ les vescontz eslutz en tele man̄e demoergent en loffice p vn an sans estre remuez si noun p cause resonable; et q̄nt ils s̄ront ensi remuez soit fait nouelle eleccione p gentz des Contez en la man̄e auantdit.

C. Et pur ceo q̄ ordeine est de nouelle en Englet̄re q̄ ceux q̄ sont vescontz soient auxi Eschet̄s en mesme les Contez ou ils sont vescontz si semble il au Roi q̄ fait affaire en meisme la man̄e en Irlande depuis q̄ lescheto^r illeōqs prent xl. livres p an pur son fee & fet poi de profist. Mes ceste chose met le Roi en descretion del Justice Dirlande ou lieu tenant Chancellor Tresorer & autres du Consail de faire en mesme la man̄e en Irlaund sils veient q̄ ceo soit al pfit le Roi tantq̄ le Roi soit ent meultz auiser. Et voet auxint le Roi q̄ nul autre Ministre q̄ resceiuera les deniers le Roi & soit acomptable ne soit fait ne resceu sil ne soit suffissant de respondre au Roi.

C. Ensement sire coment vescontz ou autre officer q̄ soit arestuz sur son acompte en v̄re Eschequer & comande a la Marchalcie paiera chescune nuyt al Mareschal dī Marc pur lur¹ fee quele chose sire lur semble g^ande op̄ssione.

¹ Son. Close Roll.

they can be discharged, and those who are willing to be in office have to do somewhat before they be sworn, and those who be received in such manner be removed without reasonable cause, or rendering account, if any other be willing to give more, with the result, sire, that the successors of such sheriffs do not allow the tallies or the indentures of their predecessors.

Let enquiry be made as to those who have so aggrieved the people, and let them be duly punished, as well at the suit of the party, as at the King's suit. And it is the King's intention that the people of every county elect each year in the Exchequer, before the Chancellor, Treasurer and others of the Council, a sufficient person who is resident and has whereof to answer to the King in the same county, for the office of sheriff. And that the sheriffs elected in such manner remain in office for one year, without being removed, unless for reasonable cause, and when they shall be so removed, let a new election be made by the people of the counties, in manner aforesaid.

And inasmuch as it has been newly ordained in England that those who are sheriffs be also escheators in the counties where they are sheriffs, it seems to the King that it should be done in the same manner in Ireland, since the escheator there takes 40 pounds yearly for his fee, and makes little profit; but this matter the King places in the discretion of the Justiciar of Ireland or his lieutenant, the Chancellor, Treasurer and others of the Council, to do in the same manner in Ireland, if they see that this be to the profit of the King, until the King be thereof better advised. And the King also wills that any other officer who shall receive the King's money and be accountable, be not made nor received if he be not sufficient to answer to the King.

XXI. Likewise, sire, a sheriff or other officer who is arrested on his account in your Exchequer and commanded to the Marshalsea, has to pay every night to the Marshal half a mark for his fee, which thing, sire, seems to them great oppression.

C. Soit fait en ceo cas come est fait en Englefre si lusage de la dite terre Dirland le demande & soit la masse vewe & mandez en Irlande.

C. Ensemēt sire coment briefs sont mandez souent a prendre en v're maine fres de diſſes [gentz] pur dette p malice & pur pndre auantage as Ministres et ceo encōtre cōe [ley].

C. Soit defenduz q̄ nul Ministre le Roy ne face mes en la manere. Et soit enq's de ceux [q̄ ou]nt ensi fait & soient puniz solonc lur desert a la sute le Roi & de ptie.

C. Ensemēt [sire] coment votz Ministres pnent vittailles & cariages en pais p leurs garantz sanz rienz [paier] sauue relement coment qils purrent troner assez des vittailles en villes Marchez [pur] lurs deniers. Et q̄nt ils paient p' leurs vittailles ceo serra a lur volente sanz [rien]z paier pur cariage, et ceo auxi bien dez gentz de seinte eglise come dautres.

Soit defenduz q̄ les Ministres le Roi ne facent p'se des vittailles ne ne paignent cariage si necessite ne la demande pur les bosoignes le Roi & adonq's paient ils pur [les ditz] vittailles & cariages couenablemēt come est fait en Englefre sauue toutz foitz q̄ le Chief Justice ou son lieutenant purra pndre vittailles & cariages pur lurs deniers paier solonc la p'se le Roi et les vsages resonablemēt auant ces hures illeoq's vsez. Et si nul eit fait al encontre soit puniz come deuant.

Ensemēt sire¹ votz Ministres font crier real ſuice pmi v're dite fr̄e sanz assent des gntz de v're dite fr̄e & sanz necessite & mettent les ſuices q̄ deussent estre faitz p corps en deniers a g^{nde} opſſione de poeple.

C. Il est al Justice de faire somondre les ſuices le Roi quele hure qil voie q̄ mes^p soit de chiuacher de gerre² q̄ est de

¹ *comment* here in Close Roll.

² *en terre* inserted here in Close Roll.

Be it done in this case as is done in England, if the usage of the said land of Ireland require it, and let the manner be viewed and sent into Ireland.

Answer.
To be as in
England.

XXII. Likewise, sire, writs are often sent to take into your hand lands of divers [people] for debt, through malice and to take advantage to the officers, and this against the common [law.]

Writs
through
malice, &c.

Be it forbidden that any officer of the King act in this manner. And let enquiry be made of those who have so done, and let them be punished according to their desert at the suit of the King and of the party.

Answer.
Forbidden.

XXIII. Likewise, sire, your officers take victuals and carriages in the country by their warrants, without [paying] anything save by regulation, although they can find enough victuals in the market towns for their money. And when they pay for their victuals, this shall be at their will, without paying [anything] for carriage, and this as well of people of Holy Church as of others.

King's officers
take victuals,
&c., without
payment.

Be it forbidden that the King's officers make prise of victuals or take carriages unless necessity demand it for the King's needs, and then that they pay for [the said] victuals and carriages suitably, as is done in England, save always that the Chief Justiciar or his lieutenant shall have power to take victuals and carriages for payment of their money, according to the King's prisage and the usages reasonably heretofore accustomed; and if any have done to the contrary, let him be punished as before.

Answer.
Forbidden,
unless of
necessity.

XXIV.—Likewise, sire, your officers make summons to the royal service throughout your said land, without assent of the people of your said land and without necessity, and they compound in money for the services which ought to be performed in person, to the great oppression of the people.

Royal service
compounded
for in money.

It appertains to the Justiciar to make summons to the King's service, whenever he sees that there be necessity to ride to war, in land which is at war, and was at the time that those who owe

Answer.
The Justiciar
to summon
to the King's
service.

guerre & feust al temps q̃ ceux q̃ deiuent celles ſuices furent feffez & q̃ les ſuices le Roi se facent en corps ou en deniers solonc la tenure de leurs feffementz.

C. Ensemēt sire come yliſoient en chescuñ Marche de v̄re dite f̄re Dirland assez & plus des Irreis enemys de greuer vos gentz Engleis q̃ ne sont de poer de les arester sauue la grace de dieu q̃ lur meintient sire plus lur greue les extorcions & opp̄ssiones de votz Ministres q̃ ne fait la guerre des ditz Irreys Car sire q̄nt votz Ministres soient en Contez a tenir plees ils afficient ceux q̃ meinent en Marche greuousement sanz auoir regard de lur meschief.

C. Soient afficiez resonablemēt & afferez solonc la fourme de la g^{nde} ch̄re.

C. Ensement sire coment Peers de la f̄re Ministres & autres gentz sont p̄s & emp̄sonez sanz enditement & leurs bens & chateux seisis en v̄re main dont sire rienz ne vient a v̄re p̄fit & ne poent pas estre deliurez a^l la ley mais sont detenutz en p̄sone a la volente de votz ditz Ministres quele chose sire lour semble g^{nde} opp̄ssione.

C. Soit defendu au Chancellor qil ne face chose q̃ soit encontre sun ſ̄ment & qil ne soeffre nul breef passer le seal le Roi sil nel poet auower p la ley & qils mandent as toutz Ministres qil ne ſ̄aignent les corps ne les f̄res de nully sanz enqueste q̃ p̄ra estre auowe p ley.

C. Ensement pur ceo qil est vsee en Engleſre qil y soient en chescun port de la dite f̄re deux custum̄s vne Contrerouleur & vne tronour & coket de resceuire toutz maneres des Custumes, si voet le Roi q̃ hom face en meisme la mañe en Irland & qils y soient eslus deuant le Justice ou son lieutenant Chancellor Tresorer & auſ de Consail illeoq̄s, & q̃ le fee q̃ les Custum̄s soloient p̄ndre tourne desore au p̄fit le Roi.

such services were enfeoffed ; and that the King's services be rendered in person or in money, according to the tenure of their feoffments.

XXV.—Likewise, sire, although there be in every march of Dwellers in your said land of Ireland, enough and more of the Irish ^{marches} enemies to trouble your English people, who have not power ^{heavily} to stop them, save the grace of God, which maintains them, ^{amerced.} sire ; still more do the extortions and oppressions of your officers trouble them than does the war with the said Irish ; for, sire, when your officers are in the counties for the purpose of holding pleas, they amerce those who dwell in the march heavily, without having regard to their misfortune.

Let them be amerced reasonably, and assessed according Answer.
to the form of the great charter. ^{To be reasonably amerced.}

XXVI.—Likewise, sire, peers of the realm, officers and Imprisonment other people are taken and imprisoned without indictment, and without their goods and chattels seized into your hand, of which, sire, ^{indictment,} and seizure of nothing comes to your profit, and they cannot be delivered ^{goods.} to the law, but are detained in prison at the will of your said officers, which thing, sire, seems to them great oppression.

Be it forbidden to the Chancellor that he do anything that Answer.
may be contrary to his oath, and that he suffer not any writ ^{Writes not to} to pass the King's seal, if he cannot avow by the law, and that ^{pass the seal} they command all officers that they take not the bodies or the ^{unless the} lands of any, without inquest which can be avowed by law. ^{Chancellor} ^{can avow.}

XXVII.—Likewise, inasmuch as it is used in England, that Customers, there be in every port of the said land two customers, one ^{&c., in ports,} controller, and one weigher, and cocket to receive all manner ^{as in England.} of customs, the King wills that it be done in the same manner in Ireland, and that they be chosen before the Justiciar or his lieutenant, the Chancellor, Treasurer, and others of the Council there, and that the fee which the customers were wont to take be turned henceforth to the King's profit.

C. Ensement voet le Roi q̄ vne clerc des gages de gerre soit fait p cōmissionne Denglefre, et qil s'uoie ⁊ mette en escript le nombre des gentz darmes ⁊ dautr's q̄ resceurent gages ⁊ des toutz les chiuaux q̄ sront prises q̄nt le Justice ou son lieutenant chiuauchera de gerre ⁊ le pris de meismes les chiuaux p vewe de Mareschal del host ⁊ ceux q̄ deiuent tenir gentz darmes en eten sur lur fee ne peignent rienz pur le noubre qils deuroient de reson tenir [mais] pur ceux qils tendront outre dencrease ⁊ ceo q̄nt necessite le demande ⁊ ne [my au]tremient. Et q̄ nul Ministre ne peigne rienz pur sa meinee qil tient adesse[ment] si noun son fee acostume. Et q̄ nuls tiels gages soient paieiz si noun p meisme [ceste] clerc, et qil soit accomptable en leschequer illeoqs ne q̄ restore des chiuaux [se face] santz la vewe ⁊ tesmoignance des auantditz clerc ⁊ Mareschal solonc ceo [qil] est vsee en guerre.

¹ The King to his beloved and faithful archbishops, bishops, earls, barons and commonalty of the cities, burghs and towns of his land of Ireland, greeting. We have heard the letters which you have sent by our beloved and faithful brother John Archer, prior of the Hospital of St. John of Jerusalem in Ireland, and Sir Thomas de Wogan, and the explanations, together with the requests which they have made to us on your part. Accordingly, we cause you to know that the said prior and Sir Thomas have well and discreetly made us acquainted with the state of our said land, and much commended your good disposition towards us, which we regard with satisfaction, and we are sensible of your very good concern therein. And so it is greatly at our heart to make fitting ordinances for the good government of the said land, to the honour of God, and maintenance of the law, and for the profit and ease of ourselves and of you. To which end, you will, as far as to you and every of you appertains, lend your aid and counsel, according to your judgment and power, and always act towards us, in accordance with your duty, and thereupon you will find us so gracious towards you, that you yourselves shall be reasonably contented. And so we have had ample deliberation on your said petitions, and by good advice of the wise men of our council, have made suitable answers severally to each of them.

The purport
of the answers
to be published
and observed
in Ireland.

Which petitions, together with the said answers, we have caused to be delivered to the said prior, our chancellor, and to the said Sir Thomas, sealed under our great seal, to carry back to our said land, to the end that

² The text taken from Close Roll (Engl.) 16 Edward III., part 1, m. 24d. is found in Rymer's *Fœdera*, vol. II., part 2, p. 1193.

Likewise, the King wills that a clerk of the war-pay be appointed by commission out of England, and that he survey and put in writing the number of men at arms and others who shall receive pay, and of all the horses which shall be taken in prise, when the Justiciar or his lieutenant shall ride forth to war, and the price of the said horses by view of the marshal of the host, and that those who ought to keep a fixed number of men at arms upon their fee take nothing for the number that they ought of right to keep, [but only] for those that they shall keep over and above, and this when necessity demands, and not otherwise. And that no officer take anything for his household that he constantly retains, save his accustomed fee. And that no such wages be paid except by the said clerk, and that he be accountable in the Exchequer there, and that restitution of the horses be not made, without the view and witness of the aforesaid clerk and marshal, according to what is accustomed in war.

Clerk of war-pay to be appointed; his duties.

they be there published and observed, according to the purport of the said answers in all points.

And whereas we lately thought, with God's help, of going in force to France for the recovery of our rights, and arranged to have then a band of our good men of Ireland in our company, as in our mandates given to our officers of those parts, which they can show you, is more fully contained. So we pray and charge you that, for the effectual and speedy accomplishment of our said mandates, you will so give aid, that we may the better feel your affection, which always displays itself best in need.

Request of an aid for expedition to France.

And whereas certain articles were ordained as a statute¹ in our parliament held at Westminster in the quinzaine of Easter in the fifteenth year of our reign, now the said statute, for good and just cause, is duly and altogether repealed, and accordingly our writs sent throughout our realm of England for publishing the same, are repealed.

Repeal of Statute of Westminster, 15 Ed. III.

Accordingly, we will that none in our said land of Ireland cause the said statute to be published or observed, but that it be not observed by any one, and be void in all respects.

Given at Westminster the 14th day of April.

¹ See *Statutes of the Realm*, I, p. 226. There is now no trace of any writ or ordinance transmitting this Statute for observance in Ireland.

18 EDWARD III. A.D. 1344

[CLOSE ROLL, 18 EDWARD III. ART. 134.]

Breve pro
Rege de
proclamacone
facienda.

REX Senescallo libtatis Kyldaŕ salm̄ Quia Les Obrynnes les Otothils les M^murghes et les Onolans hībnici vna cū complicibz suis et sequela sua iam de guerra cont^a nos et fidelem populū nrm insurrexerunt homicidia deſdacones incendia et alia mala que poſunt indies ppetrando Tibi ſciam⁹ qd infra libtatem ſdčam diebz et locis quibz melius expedire videris publice ex pte nra pclamari fač ne qui cuiuscūq; status seu condiçois ſũint sub forisfcura oĩm que erga nos forisfače poſunt aliqua victualia equos aut armaturas quascumq; eisdem hībnicis dum sic de guerra exiſtant miniſtrent mittent aut vendant quoquo modo, ac eciam publice infra libtatē illam ſimili⁹ pclamari fač qd vna pax et vna guerra p totam ſram nram Hībñ teneat^r. Ita qd si guerra in vno Coñ p conuicinos Hībnicos moueat^r qd oĩes Coñ adiacentes eidem Coñ sic de guerra g^avati ſuccurrant et auxiliē^r ad guerram illam p viribz ſedand iux^a formā cuiusdam ordinaçois in pliameto nro nup apud Dubliū tento de cōi conſilio ſre nre ſdče ſca. Et si quos post pclamaçonem huiusmodi rebelles aut cont^ariantes inueñis de nōibz eoꝝ Juſtič nro Hībñ sub ſigillo tuo diſtincte et apte conſtare fač. T. Račo de Ufford Juſtič nro Hībñ apud Dubliū xviii die Julii.

Conſimilia bñia dirigunt^r ſenescallis libtatū Kyikenū et Weyſeford et vič Cath.

18 EDWARD III. A.D. 1344.

THE King to the seneschal of the liberty of Kildare, greeting. Whereas the O'Byrnes, the O'Tooles, the M'Murghes, and the O'Nolans, Irishmen, together with their accomplices and following, have now risen in war against us and our faithful people, in daily perpetrating to the utmost of their power, homicides, depredations, burnings, and other evils, we command you that you cause to be publicly proclaimed on our behalf within the liberty aforesaid, on the days and at the places that you may think best, that none, of whatsoever state or condition they be, under pain of forfeiting everything that they can forfeit to us, supply, send, or in any manner sell to the said Irish while so at war, any victuals, horses or arms; and also cause to be proclaimed publicly within the said liberty that one peace and one war be observed throughout our entire land of Ireland. So that if war be stirred up in one county by the neighbouring Irish, that all the counties adjacent to the said county so burdened with war may aid and help in putting an end to that war with all their power, according to the form of a certain ordinance made in our parliament lately held at Dublin by the common council of our aforesaid land. And if, after such proclamation, you find any rebellious or gainsayers, that you cause their names distinctly and openly to appear under your seal, to our Justiciar of Ireland.

Writ by the
King as to
making
proclamation.

None to
supply the
Irish at war
against the
King.
One peace and
one war
throughout
Ireland.

Witness Ralph de Ufford, our justiciar of Ireland, at Dublin the 18th day of July.

Like writs are directed to the seneschals of the liberties of Kilkenny, and Wexford, and the sheriff of Carlow.

23 EDWARD III. A.D. 1349.

[LIBER ALBUS, CORPORATION OF DUBLIN, FOL. 91b.]¹

Hic incipiunt statuta de seruientibus et operariis.

EDWARDUS dei gr̃a Rex Angl̃ et francie et Dñs Hib̃n
 Maiori et ballis Ciuitat̃ sue Dubliñ saltm. Quia magna
 pars populi et maxime oparioꝝ et seruientũ iam in ista
 pestilencia est defuncta, nonnulli videntes necessitatẽ dnoꝝ et
 paucitate sũientũ seruire nolunt nisi salaria recipiant excessiua
 et alii mendicare malentes in ocio q̃m per laborem querere
 victũ suũ, Nos pensantes g̃ua que ex carencia p̃sertim cultõꝝ
 et oparioꝝ huiusmodi p̃uenire² possent incomoda, sup hoc cum
 p̃latis et nobilibz et pitis aliis nobis assistentibz, deliberaçõem
 habuim⁹ et t̃ctatum, de quoꝝ vnanimi consensu et cõsilio
 duximus ordinand̃ qđ quilibet homo et femina regni nr̃i Angl̃
 cui⁹cũq; condiçois fuerit libe vť sũilis potens in corpe et infra
 etatẽ sexaginta annoꝝ non viuens de m̃catu, ñ etum ex̃cens
 artificii ñ h̃ens de suo pp̃io vnde viũe, vť fram pp̃am circa
 culturam cui⁹ se possit occupare et alfi nō sũiens si de sũiendo
 in seruic̃o cõgruo considerato statu suo fũit requisitus sũire
 teneat̃ illi qui eũ sic duxit requirend̃ et pcipiat dũtaxat, vadia
 libaçoẽs m̃cedes seu salaria que in locis vbi seruire debeat
 consueta sunt p̃stari anno r̃ ñ Angl̃ vicesimo vť annis cõibz
 q̃nq; vť sex annoꝝ³ p̃cedentibz. Proviso qđ dñi p̃ferant̃ aliis
 in Natiuis vť fram suam *Natiuam*³ tenentibz in sũic̃o suo
 retinend̃. Ita in qđ huiusmodi dñi sic retineant tot quot sibi
 fũint necessarii, et non plures. Et si talis vir vť mulier sic de
 sũiendo requisit⁹ fũit vť requisita et hoc façe noluerint, hoc
 pbato p duos fideles hõies coram viç, Ballio, dño, aut
 constabulario ville vť hoc fieri contig̃it, statim p eos vť coꝝ
 aliquẽ capiat̃ et mittat̃ pxio gaole et ibidẽ sub arta moret̃
 custodia quousq; inueñit securitatẽ de sũiend in for̃ p̃dca. Et

D. recusando.
 de seruiendo.

¹ The statute of Labourers, enacted in England, 23 Edward III., was transmitted to the various sheriffs by writs, which commanded them to publish it in the cities, towns, &c., within their bailiwicks. A similar course was probably adopted at the time with reference to its observance in Ireland, but the only copy known to exist is the above, contained in a writ specially addressed to the mayor, &c., of Dublin. Clause 14 of the ordinances, enacted in a great council held at Kilkenny two years later, viz., in 1351, (which see) provided that the statute of Labourers should be sent by writ to all sheriffs, mayors, &c. Where the original of above is defective, omissions have been supplied from the text printed in *Statutes of the Realm*, I., p. 307, taken from *Close Roll* (Eng.), 23 Edw. III., pt. 1, m. 8d.

² provenire in *Close Roll*.

³ Omitted in *Close Roll*.

23 EDWARD III. A.D. 1349.

HERE BEGIN THE STATUTES CONCERNING SERVANTS AND
LABOURERS.

EDWARD by the grace of God, king of England and France and lord of Ireland, to the Mayor and bailiffs of his city of Dublin, greeting. Inasmuch as a great part of the people, and especially of labourers and servants, have lately died in the present plague, some, seeing the necessity of masters and scarcity of servants, are unwilling to serve unless they receive excessive wages, and others prefer to beg in laziness rather than obtain their livelihood by labour; we, considering the serious inconveniences which might arise from a lack especially of husbandmen and such labourers, have hereupon had deliberation and treaty with the prelates and nobles and other experienced men assisting us, by whose unanimous consent and advice we have thought fit to ordain, that every man and woman of our realm of England, of whatsoever condition, free or servile, being able in body and under the age of sixty years, not living by trading, or practising a certain craft, or having a livelihood of his own private property, or land of his own, in the husbandry of which he can occupy himself, and not serving another, if he shall be required to serve in suitable service, considering his condition, be bound to serve him who shall think fit to require him, and receive only the wages, liveries, rewards or salaries which were customary to be offered in the places where he ought to serve, in the twentieth year of our reign, of England, or in the five or six ordinary years preceding; provided that the lords be preferred to others in the retention in their service of villeins or tenants of their villein land, so nevertheless that such lords thus retain as many as they shall need and no more. And if such man or woman be thus required to serve and refuse to do so, upon proof hereof by two faithful men before the sheriff, bailiff, lord or constable of the town where this shall occur, that he or she immediately be taken by them or any of them, and sent to the nearest gaol, and there remain under close guard until he find surety to serve in form aforesaid.

Scarcity of
servants.

Who shall be
bound to
serve when
required.

Rate of wages.

Those refus-
ing service to
be imprisoned.

si aliquis [messor falcator aut alius operarius vel serviens cuiuscunq̃ status fuit seu conditionis]¹ in fūico aliē sic retent⁹ aute finē p̃mini concordati a dco fūico absq̃ causa rōnabili ṽt licencia recesserit, [penam imprisonment subeat, et]² nullus sub [eadem]³ pena *imp̃sonamti*⁴ talem in fūico suo recipe ṽt retinere p̃sumat. Nullus eciā vadia libācoes m̃cedes seu salaria maiora solito sicut p̃dēm est soluat ṽt soluere p̃sumat⁴ sub pena dupli illius q̃d sic *solverit vel soluere promiserit*,⁵ illi qui ex hoc senserit se g^uatū, et nullo tali volēte p̃sequi tunc cuicūq̃ de p̃plo qui hoc p̃secut⁹ fuit applicand⁹ & fiat hui⁹modi p̃secuō in Cuī dñi loci quo talis [casus]² acciderit. Et si dñi villaꝝ ṽt Mañioꝝ cont^a p̃sentē ordinaōem ñram p̃ se ṽt p̃ ministros suos [in aliquo venire p̃sumpserint, tunc in Coñ Wapentach & Trithingis, vel aliis Cuī ñris huiusmodi ad penā tripli p̃ eos vel ministros suos]² sic soluti ṽt p̃missi in forma p̃dca, fiat p̃secuō cont^a eos. Et si forsan aliquis ante p̃sentem ordinaōem cū aliquo de fūiendo p̃ maiori salario conueñit, ip̃e rōne dce conuenēois ad soluendū ult^a id q̃d alias tali consuetū est solūe, minime teneat^r, immo solūe plus sub pena p̃dca nō p̃sumat.

Item q̃d sellar̃, pelliparii, allutarii, sutores, Cissores, ffabri, carpentar̃, cementarii, Tegular̃, batellar̃, car^{ta}tar̃ & quicumq̃ alii artifices & operarii nō capiant p̃ labore & artifiō suo ultra id q̃d dco anno vicesimo & aliis cōmunibz annis p̃cedētibz ṽt p̃mittit^r in locis quibz eos operari contigit talibz solui cōsuevit. Et si quis plus recepit, p̃xio gaolo modo quo p̃mittitur cōmittat^r.

Item q̃d carnifices, piscenar̃, hostellar̃, Braciatorez, pistores & pulletarii & om̃es alii venditores victualiu quozcūque teneant^r hui⁹modi victualia vendere p̃ p̃cio racionabili, habita

¹ These words are added in a 19th century hand. They occur in the *Close Roll*.

² Added from *Close Roll*.

³ Omitted in *Close Roll*.

⁴ promittat in *Close Roll*.

⁵ "solutum promissum fuerit, aut exactum vel receptum" in *Close Roll*.

And if any [reaper, mower or other labourer or servant, of whatsoever state or condition he be], thus retained in the service of anyone, before the end of the term agreed upon, leave the said service without reasonable cause or licence, [that he undergo the penalty of imprisonment, and] that no one, under [the said] penalty of imprisonment, presume to receive or retain such an one in his service.

Further, that none pay or promise to pay greater wages, liveries, rewards or salaries than are customary, as is aforesaid, under penalty of twice the amount that he shall so pay or promise to pay, to be applied to him who shall hereby feel himself aggrieved, and if no such person is willing to prosecute, then to anyone of the people who shall prosecute this [offence]; and that such suit be made in the court of the lord of the place in which such event occurs. And if the lords of the towns or manors [presume in any point to contravene] our present ordinance by themselves or by their servants, then that suit be made against them [in the counties, wapentakes and trithings or such other our courts, for the penalty of treble what was] so paid or promised [by them or their servants] in form aforesaid. And if it happen that anyone, before the present ordinance, has agreed with any to serve for a higher salary, that he be not bound, by reason of the said agreement, to pay anything beyond what it is customary to pay otherwise to such, but that he presume not to pay more, under the penalty aforesaid.

Also that saddlers, skimmers, curriers, cordwainers, tailors, smiths, carpenters, masons, tilers, boatmen, carters and all other craftsmen and workmen take not for their labour and craft beyond what was accustomed to be paid to such in the said twentieth year and other preceding ordinary years, as aforesaid, in the places in which they shall happen to work, and if any take more, that he be committed to the nearest gaol in the manner aforesaid.

Also that butchers, fishmongers, innkeepers, brewers, bakers, and poulterers and all other sellers of victuals whatsoever be bound to sell such victuals at a reasonable price, considera-

Labourers departing from service to be imprisoned.

The old wages, and no more, shall be given to servants.

Lords of towns or manors offending shall forfeit treble value.

Wages of artificers.

Victuals shall be sold at reasonable prices.

consideraçoẽ ad p̄ciũ quo hui' modi victualia in locis p̄pinquis vendunt'. Ita qđ heant hui' modi venditores moderatũ lucrũ nō excessiuũ, put distancia locoꝝ a quibz victualia huiusmodi cariantur duxit r̄onabiliꝝ requirendũ. Et si quis victualia hui' modi alio modo vendiderit ⁊ inde in forma p̄dca cōuictus fuit, soluat duplum illius qđ sic cepit dampnificato, vť in defectum illi' alfi qui p̄sequi voluit in hac pte. Dantes vob tenore p̄senciũ potestatē ad Inquirendũ infra villam p̄dcam de omibz ⁊ singulis qui cont^a hoc in aliquo deliquerint, ⁊ ad penam p̄dcam ad op' illoꝝ ad quoꝝ sectam hui' modi delinquentes conuicti f̄iint leuandũ. Et in casu quo vos execuçoem p̄missoꝝ face neclexeritis ⁊ de hoc coram Justic̄ p nos assignandũ conuicti fueritis, tũc vos ad t̄plũ rei sic vendite hui' modi dampnificatis, vť alfi in defectũ illoꝝ p̄sequent¹ soluendũ p eosdem Justic̄ compellemini ⁊ nichilomin' [v̄sus nos]² g^avit' puniemini.

Et q̄ multi validi mendicantes q^andiu possint ex mendicatis elemosinis viũe, laborare renuũt vacando ociis ⁊ p^catis ⁊ q^andoque latrociniiis ⁊ aliis flagitiis, nullus sub pena in p̄sona m̄ti p̄dca talibz qui cōmode laborare pot̄int, sub colore pietatis vť elemosine quicq^am dare seu eos in sua desidia confouere p̄sumat vt sic cōpellant' p vite necessar̄ laborare. Vobis mandam' firmi' [in]iungentes qđ p̄missa om̄ia ⁊ singula infra Ciuitatē p̄dcam pupplice p̄clamaĩ ⁊ tefi, execuçoemq̄ inde debitam fieri faciaĩ sicut p̄dcm̄ est. Et hoc sicut nos ⁊ cōem vtilitatem f̄re n̄re Hib̄n diligitis, ⁊ vos ip̄os indēpnos saluare volueritis nullaten' omittatis. T. Wilhmo³ de Birmyngh^am, Justic̄ n̄ro Hib̄n apud Cath̄ xxvj die Auḡ anno r̄ ñ Angl vicesimo f̄cio r̄ v̄o n̄re ffran̄c decimo.

p b̄re de Angl.

¹ So in MS. for *prosequenti*,

² Added from Close Roll,

³ *Rege Waltero*,

tion being had to the price at which such victuals are sold in neighbouring places. Provided that such sellers have a moderate profit, not excessive, according as the distance of the places from which such victuals are conveyed, make it reasonable to demand. And if anyone sell such victuals in other manner and thereof be convicted in form aforesaid, that he pay double the amount that he shall have so received to the injured party, or in default of him to the other who will prosecute in this behalf. Giving to you, by the tenor of these presents, power to enquire within the said town concerning all and singular who offend in anything against this, and to levy the said penalty for the behoof of those at whose suit such offenders shall be convicted. And in case you neglect to make execution of the premises, and be convicted hereof before Justices to be appointed by us, then that you be compelled by the said Justices to pay to such injured parties or to the other who prosecutes in their default, treble the value of the thing so sold, and nevertheless be severely punished [toward us.]

Power to
mayor and
bailiffs to
enquire as to
offenders.

Penalty
against them
for negli-
gence.

And inasmuch as many sturdy beggars, so long as they can live on alms which they beg, refuse to work in order to have opportunity for laziness and wrong-doing, and sometimes for robberies and other crimes, that no one under the said penalty of imprisonment presume, under pretext of piety or alms, to give anything to such as can conveniently work, or to foster them in their sloth, that so they may be compelled to work for the necessities of life.

No one to give
to a beggar
able to labour.

We command, firmly enjoining you, that you cause all and singular the premises to be publicly proclaimed and kept within the said city, and due execution done thereof, as is aforesaid. And that this, as you love us and the general profit of our land of Ireland, and wish to preserve yourselves unharmed, you in no wise omit. Witness Walter de Birmyngham, our Justiciar of Ireland, at Carlow the 26th day of August in the twenty-third year of our reign of England, and of France the tenth.

By writ out of England.

24 EDWARD III. A.D. 1349-50.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 2.]

Iſſem eisdem anno ⁊ rotulo¹ (i.e. in rotul Memorand Sc^acii v^o rotulo, anno r̄ r̄ E. ꝑcii xxiiii) constat p̄ fras patentē de Angl̄ qđ scđm statutū editū in Angl̄ Magnates in Angl̄ hentes fras in hib̄n hēant iſm hōies ad arma ⁊ si non hēant tunc post certificacōem d̄cis Magnatū factam Justiċ hib̄n Canċ ⁊ Theſ de exiū fras ꝑdcaꝝ ad ipas defendendū ordinent voluntate sua ⁊c. Cest estat² appit a secundo folio inferi³ mez [autrement] est ore use p̄ lestatut Riċ ij⁴ R̄ Angl̄.³

¹ This membrane of the Memoranda Roll of the Exchequer 24 Ed. III., which, from a small portion still remaining, would appear to have contained enrolments of writs out of England of that year, was cut away. From the statement as to the statute being found recited in it, it must have been regularly transmitted for observance in Ireland (i.e.) for the carrying out of certain of its provisions applicable in this country. In the absence of any transcript, it has been thought best to print here the memorandum from the Red Book, and an extract in which certain of its provisions are recited, taken from a writ addressed to the Archbishop of Armagh, dated 18 Feb., in reference to its execution in this country.

It may be observed that in *Rotuli Parliamentorum*, among the businesses touching the land of Ireland transacted in a Parliament of Westminster held at Mich., 5 Ed. III. (1331) writs were directed to be sent to all the sheriffs of England, commanding them to proclaim that all who had lands in Ireland should cause them to be guarded, &c. Possibly this enactment is the one referred to in the proceedings of 24 Ed. III., at which period its provisions may have been more vigorously put in execution.

² Not now in the Red Book,

³ See 3 Ric. II,

24 EDWARD III. A.D. 1349-50.

ALSO in the same year and roll [Memoranda Roll of the Exchequer, 24 Edward III., r. 5] it appears by letters patent out of England that, according to a statute enacted in England, magnates in England having lands in Ireland should have there men at arms, and if they have not, then after notification made to the said magnates, the Justiciar, chancellor and treasurer of Ireland, out of the issues of the said lands, should arrange for the defence of the same, at their pleasure, &c. This statute appears second leaf below, but the practice is now different, under a statute of Richard II., King of England.

Magnates in
England
having lands
in Ireland,
to have there
men at arms.

Rymer's *Fœdera*, Vol. III., pt. 1, p. 192.¹

. . . From the grievous complaint of our faithful subjects of Ireland in our general parliament lately assembled at Westminster . . . with the consent of the whole parliament, we have thought fit to ordain that nobles and others whosoever, having lordships and lands there, should by themselves or by others vigorously defend the same, with the issues thereof, against such warlike attacks; otherwise we should cause such issues and profits of their lands to be collected and applied for the defence thereof by others.

Issues of lands
to be spent in
defending
them.

¹ Text taken from *Rot. Rom.* 24 Ed. III. m. 1.

25 EDWARD III. A.D. 1351.

[MEMORANDA ROLL OF THE EXCHEQUER IN IRELAND.]

25 AND 26 EDWARD III., m. 13 f.]

DŃS Rex mandauit quoddam bře suū Theſ Baronibꝫ ꝛ Camerař suis de sc^acio Dubliñ in hec ṽba. Edwardus dei gr̃a Rex Angl ꝛ ffranĉ ꝛ Dñs Hibñ Theſ Baroñ ꝛ Camař suis de sc^acio Dubliñ, saltm. Quasdā ordinācoes¹ in magno consilio ñro apud Kilkenñ die lune p̃x ante festū oīm scōꝝ p̃x p̃fīto tento, de assensu Prelatoꝝ quaten^o de iure hiis consentiř posunt Comitū Baroñ ꝛ Cōitatum fře ñre Hibñ ibidem existenciū p̃ meliori regimīne eiusdem fře ꝛ quiete populi ñri ibidem, ac refrenacoe ꝛ punicoe malefcoꝝ nōie ñro fcas vob mittim^o insertas in quodam rotulo sub pede sigilli ñri Mandantes qđ statim visis p̃sentibꝫ dcas ordinācoes in sc^acio p̃dco publice legi ꝛ eas quantū ad vos ptinet obseruari ꝛ teneri faĉ. T. Thoma de Rokeby Justiĉ ñro Hibñ apud Kilkenñ x die Novembř anno ř ñ Angl vicesimo quinto ř vero ñ ffranĉ duodecimo. Quequidem ordinācoes irrotulant^r hic in forma que sequit^r Nře seign^r le Roi Denglefre ꝛ de ffrance ꝛ seign^r Dirlande ꝛ son conseil de mesme sa fře Dirlande desirantz la mayntenance de lestat de seint eglise ꝛ le bon gořnement de son poeple Dirlande ꝛ la sauue garde de sa pees ꝛ la mayntenance de les bones leyes illoques ꝛ la chastient ꝛ punissement auxint de malfesours ꝛ autřs malueys gentz ꝛ amendement de tortz ꝛ greuances faites a mesme son poeple sur les greuouses pleyntes des cōes de sa dite fře appelletz a son g^ant conseil tenuz a Dyuelyn le Lundy pchein deuant la feste de seint Luc le Ewangelist, et auxint a vn autre son

¹ Of the 25 clauses of which these ordinances consist, nineteen are found in almost the same words in the Statute of Kilkenny, 40 Edw. III., (1366). See *post*. In the following table, the first column shows the clauses in the ordinances, and the second the corresponding chapters in the Statute:—

I.	1.	VII.	22.	XVI.	4.
II.	17.	VIII.	23.	XVII.	29.
III.	18.	IX.	24.	XX.	30.
IV.	19.	X.	25.	XXI.	31.
V.	20.	XIII.	27.	XXII.	26.
VI.	21.	XV.	28.	XXIII.	32.
				XXIV.	33.

25 EDWARD III. A.D. 1351.

THE lord the King sent his writ to his Treasurer, Barons and Chamberlains of the Exchequer in Dublin in these words; Edward by the grace of God, king of England and France, and lord of Ireland, to his Treasurer, Barons and Chamberlains of the Exchequer of Dublin, greeting. Certain ordinances made in our name in our great council held at Kilkenny on Monday next before the feast of All Saints last past, with the assent of the Prelates (as far as of right they can consent to them), of the Earls, Barons and commonalty of our land of Ireland there being, for the better regulation of that land and peace of our people there, and the curbing and punishing of malefactors, We send you, inserted in a certain roll under foot of our seal, commanding that immediately on sight of these presents, the said ordinances in the said Exchequer you cause to be publicly read, and these as far as pertain to you, to be observed and held. Witness Thomas de Rokeby, our Justiciar of Ireland at Kilkenny the tenth day of November in the twenty-fifth year of our reign of England, and of France the twelfth. Which ordinances are enrolled here in form following:—Our lord the King of England and of France and lord of Ireland, and his council of his said land of Ireland, desiring the maintenance of the estate of Holy Church and the good government of his people of Ireland, and the preservation of his peace, and the maintenance of good laws there, and also the chastisement and punishment of malefactors and other evil people, and the amendment of wrongs and grievances committed against his said people, upon the grievous complaints of the commons of his said land, summoned to his great council held at Dublin the Monday next before the feast of St. Luke the

g^{nt} conseil tenus a Kilkenū le Lundyn pchein deuant la feste de toutz seyntz lan du regne mesme n^{re} seign^r le Roi vintisme quint, si sont ordeinez & establiez p le dit conseil n^{re} seign^r le Roi a Kilkenū en noun meisme n^{re} seign^r le Roi del assent des Prelatz de cœo q̄ ptient a eux de assentir Countes Barones & autres cōes de meisme la l^{re} illoques esteantz al honur de dieu & de seint Eglise & p^r le bon goūnement de sa dite l^{re} Dirlande & quiete de son poeple & p^r les leyes meoltz garder & les mesfesours chastier come desus est dit les choses & articles sutz esc^{ptz} a tenir & garder pleynement sur les peynes contenuz en ycelles.

Primerement qe seinte eglise soit franche & eyt totes ses franchises sanz enblemisement & q̄ totes les articles contenuz en la g^{nt} chartre le Roi soient en tous poyntz tenus fermes & estables. Itē n^{re} seign^r le Roi defent sur forfeture de vie & de membre q̄ nul de quel estat ou condicion qil soit ne teigne kernys hobellours ne vdiues gentz en l^{re} de pees a greuer le loial poeple n^{re} seign^r le Roi mes qi les voille tenir les teigne en la marche a ses coustages ppres saunz rien p̄ndre de nuly encountre sa volente et si aueigne q̄ nul hōme de kerne ou nul autre p̄igne nul maŕle des vittailles ou aut^{rs} biens de nuly encountre sa volente, soit hu & crie leue s^r lui & soit p^{is} & mande a la gaole sil se voille rendre, et si noun mes faire resistance a force isint qil ne voille lattachement suffrir, soit fait de lui come de Robiour apert & tiele maŕle p^{ise} soit tenu p^r roberie. Et en cas q̄ tiels mesfessours defuent lattachement q̄ nul hōme les purra p̄ndre adonqe respoigne son seign^r ou le menour p^r lui & face gre a la ptie qest issint endamage, et sil ne face gre a la ptie, eyt le Roi la sute deŭs lui si bien p^r lui meismes come p^r la ptie & ceaux q̄ ne leuent a celes hu & crie

Evangelist, and also to another his great council held at Kilkenny the Monday next before the feast of All Saints, in the twenty-fifth year of the reign of our said lord the King, there were ordained and established by the said council of our lord the King at Kilkenny, in the name of our said lord the King, with the assent of the Prelates (as far as it pertains to them to assent), Earls, Barons, and others the commonalty of the said land there being ; for the honour of God and of Holy Church, and for the good government of his said land of Ireland, and peace of his people, and for the better keeping the laws and chastising evil-doers, as is aforesaid, the things and articles under-written to hold and guard the same, fully, upon the penalties specially in them contained.

Firstly, that Holy Church be free and have all her franchises without infringement, and that all the articles contained in the great charter of the King be in all points held firm and established.

I.

Holy Church
free, great
charter con-
firmed.

Also our lord the King forbids on pain of forfeiture of life and limb, that any person, of whatsoever estate or condition he be, keep kernes hobelers or idlemen in land of peace, to harass the loyal people of our lord the King, but that whoever wishes to have them, keep them in the march at his own costs, without taking any thing of any person against his will, and if it happen that any man of the kernes or any other take any manner of victuals or other goods of anyone against his will, that hue and cry be raised against him, and that he be taken and committed to gaol if he will surrender himself, and if not, but he forcibly resist so that he will not suffer attachment, that then he be treated as an open robber, and such manner of seizure [of victuals] be held as robbery. And in case that such malefactors fly from attachment so that no man can take them, then that his lord or the leader answer for him and make satisfaction to the party who is so endamaged ; and if he make not satisfaction to the party, that the King have the suit against him, as well on his own behalf as for the party ; and that those who do not rise at

II.

No one to
keep kernes,
&c., save at
his own
cost.

Hue and cry
against any
taking
victuals
against
owner's will.

soient tenus & puny come mayntenours des felouns, et si nul hōme tiegne ou meyne Kernys hobellours ou vdyues gentz autrement q̄ desus est dit, eyt iuggement de vie & de membre & soient ses fres & tenementz forfeitz. Itm soit vne crie fait q̄ tous yceux q̄ sount ore vdyues gentz & voillent p̄ndre Pres du Roi veignent a la Justice Dirlande ou a Tresorer le Roi & p̄ignent Pres du Roi a ferme et sils voillent p̄ndre des autrs seignrs veignent a eux ou a leur seneschales en mesme la manere. Itm q̄ nules marchisez ne autres tiegnent plement ne dailiance oue nul Irryes ne Engleys q̄ soit encountre la pees sanz conge de la Court ou en p̄sence de visconte nre seignr le Roi ou des gardeyns de la pees si qils puissent veer qe tiele plement ou dailiance soit p̄ comun p̄fit & nemy p̄ singuler et q̄ le face eyt lenp̄sonnement & soit reynt a la volente le Roi. Itm acorde est q̄ chescun cheueteyn de lynage en chescun Counte soit charge & lye a nre seignr le Roi q̄ si aucun de son lynage de sa aherdance ou de sa retenance quel il p̄ra chastier aucun trespas ou felonie face, q̄ le dit cheueteyn eyt power de p̄ndre les mesfesours & les detenir en prisonne tanqe ils soient delids p la ley, et si les dites cheueteyns les dites mesfesours ne voillent p̄ndre mes les soeffrent aler alarge q̄ adonqe les corps des dites cheueteyns soient p̄s p̄ eux & detenuz en p̄sone tanqe le corps des dites mesfesours soient renduz a la Court nre seignr le Roi de estre iustisables. Itm q̄ vn pees & vn guerre soit p tut la lre issint q̄ si nul Irreys ou Engleys soit de gerre en nul Countee q̄ les Countez envyroun les facent greuer & gerrer en leur marches meyntenant ḡnt ils f̄ront garnyz par les gardeyns de la pees du dit Countee ou p visconte ou la gerre sourdy, et sils ne facent soient tenus & punyz come mayntenours des felouns. Et si ceux du Countee ou la gerre sourdy souffrent leur marches estre destruz par les enemyz &

such hue and cry, be held and punished as maintainers of felons, and if any man keep or maintain kernes, hobolers or idlemen otherwise than is aforesaid, that he have judgment of life and of limb, and his lands and tenements be forfeited.

Also that proclamation be made that all those who are now idle men and are willing to take lands of the King come to the Justiciar of Ireland, or to the King's treasurer, and take lands of the King to farm, and if they should desire to take them from other lords, that they come to them or to their seneschals in the same manner. III.
Idlemen to have lands to farm.

Also that no marchers or others hold parley or intercourse with any Irish or English who may be against the peace, without leave of the court, or in presence of the sheriff of our lord the King, or of the wardens of the peace, so that these may be able to see that such parley or intercourse be for common and not for individual profit, and that whoever does so, suffer imprisonment and be fined at the will of the King. IV.
As to parley, &c., between marchers and the enemy.

Also it is agreed that every chieftain of lineage in every county be charged and bound to our lord the King, that if any of his lineage, of his adherents or of his retainers whom he can chastise, commit any trespass or felony, that the said chieftain have power to take the malefactors and to detain them in prison until they be delivered by the law, and if the said chieftains will not take the said malefactors but suffer them to go at large, that then the bodies of the said chieftains be taken for them and detained in prison, until the bodies of the said malefactors be delivered up to the court of our lord the King to be amenable to justice. V.
Chieftains to punish their own retainers, &c.
Penalty.

Also that one peace and one war be throughout the land, so that if any Irish or English be at war in any county, that the counties around harass them and make war in their marches, as soon as they shall be warned by the wardens of the peace of the said county or by the sheriff where the war arises, and if they do not, that they be held and punished as maintainers of felons. And if those of the county where the war arises suffer their marches to be de- VI.
One peace and one war throughout Ireland.

ne voillent leuer de arester la malice des enemyz aþs qils soient resonablement garnyz par les gardeyns de la pees ou par visconte ou crie leue en pays du dit Countee q adonques ils soient tenus come mayntenours des felouns et q les dites enemyz ne eyent de eux force eyde viñes vitailles armures ne autre riens q vailler lour p^{ra} tanqe come ils soient a la gerre. Et si nul hōme les eyde des choses susdites tancome ils soient a la gerre & de ceo soit atteynt, soit tenu & puny come traitour. Pur ceo q diñses gentz fount diñses robies & felonies en franchise & se fuent od lour biens en gyldable issint q les Ministres des franchises ne poent illoques faire lour office ne les felouns ne lour biens þndre mes sount illoques od lour biens recettez. Et auxint diñses gentz q font diñses robies & felonies en gyldable fuent od lour biens en la franchise issint q le Ministres ñre seign^r le Roi ne poent illoques lour office faire, ne les felouns ne lour biens þndre mes sount illoques oue lour biens recettez. Acorde est & assentuz q si nul Ministre de la franchise face p^{rsuyt} sur nul tiel feloun en le gyldable q ceux de gyldable soient en eyde p^r tiel mañe feloun þndre & lui deliñer a dit Minist^r ensemblementz oue les biens od lui trouez, et facent de ceo la liñe auxi bien de corps come des chateux a dit Minist^r de faire ceo q a la ley appent et q ceux de la franchise facent en mesme la mañe a visconte ñre seign^r le Roi ou a ses Ministres q font la sute s^r tiels felons q fount felonies & fuent od lour biens en franchise. Et si nul fait felonie en vn Countee & defu en autre Countee ou en franchise & illoques demoert q le visconte de cel Countee ou la felonie se fyt eyt power a maunder p ses þceptes as viscontz ou seneschales de les pties ou le dit feloun demoert auxi biens dedeyns franchises come dehors a þndre le corps le dit feloun & del remaunder et q les dites viscountes & seneschales soient obesantz chescun en tiel cas a Autry

stroyed by the enemies, and will not rise to check the malice of the enemies after they are reasonably warned by the wardens of the peace or by the sheriff, or cry has been raised throughout the said county, that then they be held as maintainers of felons, and that the said enemies shall not have of them force, aid, provisions, victuals, arms or any other things which may avail them while they be at war. And if any man assist them with the aforesaid things while they be at war and be thereof attainted, that he be deemed and punished as a traitor.

Because that divers people commit divers robberies and felonies in franchises, and flee with their goods to geldable land, so that the officers of the franchises cannot there execute their office nor take the felons or their goods, but they are there received with their goods. And also divers people that commit divers robberies and felonies in geldable land fly with their goods into a franchise, so that the officers of our lord the King cannot there execute their office nor take the felons nor their goods, but they are there received with their goods. It is agreed and assented that if any officer of the franchise make pursuit of any such felon into geldable land, that those of the geldable land assist to take such manner of felon, and to deliver him to the said officer, together with the goods found with him, and thereupon make delivery, as well of the body as of the chattels to the said officer, to execute that which to the law pertains; and that those of the franchise act in the same manner to the sheriff of our lord the King or to his officers, who make pursuit of such felons as commit felonies and fly with their goods into a franchise. And if any commit a felony in one county and fly into another county, or into a franchise, and there dwell, that the sheriff of that county where the felony is committed have power of commanding by his precepts the sheriffs or seneschals of the parts where the said felon dwells, as well within franchises as without, to take the body of the said felon and to send it back, and that the said sheriffs and seneschals be obedient, every of

VII.
Officers of franchises may pursue felons into geldable land, and sheriffs may pursue into franchises.

Sheriffs and officers of one county to aid those of another in taking felons.

maundement et si nuls de Gyldable ou de fraunchise leuent en eyde de tiels mesfesours issint q̄ les Ministres ne puissent leur office faire de eux qils soient tenus si noters felouns come ceux q̄ font les robies & punyz en mesme la fourme. Et si les Ministres anaunditz soient remis en les execucions des maundementz susdites fair & de ceo soient atteyntz soient aiugg̃ a la p̄sone & reyntz a la volunte le Roi. Et nest pas lentencion le Roi ne du conseil q̄ p̄ tiel entree en la franchise ou maundement a seneschal q̄ la franchise soit emblemy. Pur ceo q̄ diſes gentz enfeffent leur enfantz ou autr's estraunges de leur f̄res & donent leur biens & chateux p̄ fraud ou collusion de forbarrer n̄re seignr le Roi de sa dette & pties auxint de accion & recoſſyr, Acorde est & assentuz q̄ tiel feffement & alienacion soient tenus p̄ nules et q̄ le Roi & pties eyent execucion & recoſſyr de ses f̄res biens & chateux auxi bien come des f̄res le dit alienour ppres, et si cas aueigne q̄ si ascun hōme soit en p̄pos de leuer de gerre encontre le Roi ou de ascune felonie fair, et p̄ cele cause enfeffe ascun hōme de ces f̄res p̄ faire tiels felonies & tresons aſs le feffement q̄ si aſs il soit atteynt de les traisons ou felonies susdites q̄ celes f̄res susdites en qi mayns qils deuendrent soient forfaitz nyent contreesteant le feffement come sils fuissent en sa mayn demeyne iour de la felonie. Et eyt cest ordeinance lieu auxi bien a les feffementz p̄ cele cause auant ces heures faites come en temps auenir a faire. Iim en chescun Countee soient ordeinez quatre de moetz vauetz du Countee p̄ estre gardeyns de la pees les queux eynt pleyn power de assere gentz chiuaux as armes hobellours & gentz a pee chescun solom la value & quantite de ces f̄res biens & chateux issint qils soient prestes quele iour q̄ maister enſra p̄ arester la malice des ennemyz solome ces qils f̄ront assis p̄ les gardeyns susdites, et q̄ les dites

them, in such case to the mandate of the other ; and if any persons of geldable or of franchise land rise in aid of such malefactors, so that the officers cannot execute their office on them, that they be held as notorious felons as those who commit the robberies, and be punished in the same form. And if the aforesaid officers be remiss in the execution of the said mandates and be thereof attainted, that they be adjudged to prison and fined at the will of the King. And it is not the intention of the King or the council that by such entry into a franchise or mandate to the seneschal, the franchise be infringed.

Penalty on
negligent
officers.

Forasmuch as divers people enfeoff their children or other strangers, of their lands, and give their goods and chattels by fraud or collusion, in order to bar our lord the King of his debt, and parties also of action and recovery, It is agreed and assented that such feoffment and alienation be held as void, and that the King and the parties have execution and recovery of their lands, goods and chattels, as well as of the proper lands of the said alienor ; and if the case happen that any man be of purpose to levy war against the King or to commit any felony, and for that reason enfeoff any man of his lands, in order to commit such felonies and treasons after the feoffment, that if afterwards he be attainted of the aforesaid treasons or felonies, that those aforesaid lands, into whose hands soever they come, be forfeited, notwithstanding the feoffment, as if they were in his possession the very day of the felony. And that this ordinance have place as well in respect of feoffments on this account heretofore made as those to be made in time to come.

VIII.

Fraudulent
feoffments
void.

Forfeiture of
lands conveyed with a
view to war
or felony.

Also that in every county there be appointed four of the most worthy men of the county to be wardens of the peace, who shall have full power to assess horsemen at arms, hobelers and footmen, each according to the value and quantity of his lands, goods and chattels, so that they be ready at whatever time there may be occasion, for the purpose of checking the malice of the enemies, according to what they shall

IX.

Wardens of
the peace in
each county.
Their duties.

gardeyns après la array fait en la manere susdite, facent veu des dites gentz des armes hobellours & gentz a pee de moyns en moyns en ſteyn lieu de Countee ou ils veunt q̄ moetz soit a faire en ayse du poeple et si les dites gardeyns treouissent nul rebelt q̄ ne veot a lour maundementz obeyr, eyent power de les attacher & maunder a pchein gaole illoques a demorer tanqe la leye de lui soit fait. Et si les gardeyns de la pees soient remisses ou necligentz en lour office faire & de ceo soient atteyntz q̄ adonqe ils ſront pris & enp̄sonez & reyutz a la volonte le Roi. Et si nul issint elieu gardeyn refuse de receyuer la cōmission le Roi soit p̄s & enp̄sone & ses ſres seisis en la mayn le Roi & issint demoerge tanqe la Court le Roi en eyt autrement ordeine, et soient les dites gardeyns ſmentez de loialment user lour office en la manere susdit.

l'īm ordeine est q̄ les Marchales del un Baunk & del autre & dedeyns franchises ne ſignent desormes p̄r lour fee plus qils ſignent en Engleſre cest assauoir v.d. soulement come tesmoigne est a conseil qils fount en Engleſre & solome lestatut en Engleſre de ceo ent p̄ueu, et ceo après q̄ hōme soit acquite ou conuyct & finalement deliſs hors de la Court & nemy auant et sils facent alencontre & de ceo soient atteyntz soient lour baillies seisis en la mayn le Roi p̄ pleynt de celui qest encountre ceste acorde greue, et outre ceo facent gre a ceux q̄ sont issint p̄ eux endamagex & detenuz en p̄sone tanqe lour gre soit fait. Et q̄ le Mareschal del Escheker ne ſigne q̄ dī m̄r chescun ſme q̄nt hōme demora en sa garde p̄r arrirages dacompte ou la dette le Roi. Et q̄ face alencount̄r & de ceo soit atteynt, eyt la penaunce come desus est dit. Et q̄ nul Conestable des chasteles dedeyns fraunchises ne dehors ne ſigne de nul p̄son mys en sa garde p̄r son fee fors soulement

be assessed by the wardens aforesaid; and that the said wardens, after array made in the aforesaid manner, make view of the said men at arms, hobelers and footmen from month to month in a certain place of the county, where they shall see it best to make it, in ease of the people, and if the said wardens find any rebel who will not obey their mandates, that they have power to attach them and commit them to the next gaol, there to remain until the law be enforced against them. And if the wardens of the peace be remiss or negligent in executing their office and be thereof attainted, that then they be taken and imprisoned and fined at the will of the King. And if any so elected a warden refuse to receive the King's commission, that he be taken and imprisoned, and his lands seized into the King's hand, and so remain until the King's court have otherwise ordained, and that the said wardens be sworn to execute their office legally in the manner aforesaid.

Also it is ordained that the marshals of the one bench and of the other and those within franchises take not henceforth for their fee more than they take in England, that is to say, five pence only, as it has been proved to the council that they do in England, and according to the statute in England in that behalf provided, and this after that a man be acquitted or convicted and finally delivered out of court, and not before, and if they do to the contrary and thereof be attainted, that their bailiwicks be seized into the King's hand, at the complaint of him who contrary to this act is aggrieved; and, moreover, that they make satisfaction to those who are thus by them endamaged, and be detained in prison until their satisfaction be made. And that the marshal of the Exchequer take only half a mark for every term, while a man remains in his custody for arrears of account or the King's debt. And whoever does to the contrary, and be thereof attainted, that he suffer the penalty above mentioned. And that no constable of castles, within franchises or without, take of any prisoner placed in his custody, for his fee, but only five

X.

Fee of
Marshals of
the Benches.

Fee of
Marshal of the
Exchequer.

Fee of
Constable of
a Castle.

v.d. forspris le Conestable du Chastel de Diuelyn q̄ est le chef Chastel le Roi en Irlaunde pur ceo q̄ tesmoigne est a conseil qil doit plus p̄ndre ⁊ de ancien temps ad fait. Et q̄ autrement fait ⁊ de ceo soit atteynt, soit la Conestablerye seaisy en la mayn le Roi, et celui q̄ ency aſſa fait soit pris ⁊ enp̄sone tanqe il face gre a la ptie ⁊ fyn a Roi. Et q̄ les Mareschales ne Conestables auaunditz dedeyns fraunchises ne dehors ne mettent les p̄sons qils ount en lour garde a destresse ⁊ duyte¹ de penance p^r singuler p̄fit ou suet auoir, et sils facent soient pris ⁊ detenuz en p̄sone tanqe ils eynt rendu le double a celui de qi ils ount tiel torsenouse p̄fit receu, et nep^rq^{nt} facent fyn a Roi ⁊ s^r ceo soient briefs maunde a chescun place de la t̄re ou Conestable ou Mareschal yad si bien deyns fraunchises come dehors.

Iim ordeine est q̄ nul Engleys face ascun maſſe de alliance a les Engleys ou Irreys enemyz n̄re seign^r le Roi p mariage nurt^e de lour enfauntz, ou en ascun autre maſſe sil ne soit p assent de la Court le Roi, ⁊ qi le face ⁊ de ceo soit atteynt cyt lenp̄sonement, et outr^d ceo soit reynt a la volunte le Roi.

Iim ordeine est q̄ si ascun hōme soit enditee de morte de hōme Engleys arson ou des autres g^{ntes} felonies ou qil soit cōmun laroun ou noctory robieur ⁊ soit recette oue ascuns, eaux sachans les felonies susdites p lui faitz q̄ les recettours soient pris ⁊ detenuz en p̄sone nyent maynpnables si bien auant q̄ tiels felone soient atteyntz come ap̄s sil ne soit p cause ⁊ ceo p auisement du conseil le Roi.

Iim ordeine est q̄ si true ou pees soit p̄s p la Justice gardeyns de la pees ou viscontz entr^d les Engleys ⁊ Irreys ⁊ si ele soit debruse p ascun Engleys ⁊ de ceo soit atteynt soit p̄s ⁊ mys en p̄sone tanqe gre soit fait p lui a ceux q̄ sort

¹ In the Statute of Kilkenny this word is *duytee*.

pence, except the constable of the castle of Dublin, which is the King's chief castle in Ireland, by reason that it has been proved to the council that he has a right to take more, and from ancient times has done so. And whosoever does otherwise, and be thereof attainted, that the constableness be seized into the King's hand, and that he who shall have so acted be taken and imprisoned, until he make satisfaction to the party and fine to the King. And that neither the marshals nor constables aforesaid, within franchises or without, put the prisoners whom they have in their custody to distress and severity of punishment, for the purpose of obtaining their own profit or suit; and if they do so, that they be taken and detained in prison until they have rendered double to the person from whom they have received such wrongful profit, and moreover make fine to the King; and that thereupon writs be sent to every place of the land where there is a constable or marshal, as well within franchises as without.

Also it is ordained that no English person make any manner of alliance with the English or Irish enemies of our lord the King, by marriage, fostering of their children in any other manner, unless it be by the assent of the King's court, and whosoever does so, and be thereof attainted, that he suffer imprisonment, and moreover be fined at the will of the King. XI.
No alliance between English and the English or Irish enemies.

Also it is ordained that if any man be indicted of the death of an Englishman, of arson or the other great felonies, or if he be a common thief or notorious robber and be received by any, they knowing that the aforesaid felonies were by him committed, that the receivers be taken and detained in prison without mainprise, as well before such felons be attainted as afterwards, unless it be for cause, and this by the advice of the council of the King. XII.
Receivers of felons to be imprisoned.

Also it is ordained that if truce or peace be made by the Justiciar, wardens of the peace or sheriffs, between English and Irish, and if it be broken by any Englishman and he be of this attainted, that he be taken and put into prison, until XIII.
English truce-breakers to be imprisoned.

desrobez & endamagez p cele encheson, & outre ceo soit reynt a la volunte le Roi et sil neyt dont fair restitution a ceux q̃ sont issint endamagez, eyt ppetuele p'sone et q̃ tiels gardeyns & viscontz eyent power denquere de tiels q̃ issint enfreyment la pees.

Iîm q̃ lestatut de laborers¹ maunde hors Denglefre en Irland soit mande p bref a chescun visconte seneschales Maires soûeyns des Cittiez & villes qils facent pclamacion icel estatut et q̃ la Justice soit charge denquere chescun pt ou il vaa de chescun qi countreuyent cel estatut & de les punyre solome la forme del dit estatut.

Iîm ordeine est q̃ si debate soit mou pentre Engleys & Engleys p quei les Engleys dune pt & dautre coillent a eux Engleys & Irreys en pays illoques a demorer p^r gerrer & greuer autr's a g^{nt} damage & destruction del lige poeple le Roi, Acorde est & assentu q̃ nul Engleys soit si hardy de mouer gerre en autr's ne de amener nul Engleys ne Irreys en pays desormes p cel encheson et qi le facent & de ceo soient atteyntz eyent iuggement de vie & de membre & lour fres forfes.

Iîm ordeine est q̃ si debate sourd entr^o Engleys & Engleys a la pees esteantz q̃ nul de eux face namer ou gage ne destresse sur autre ßndre ne vengeaunce sur autr's ßnnont par quei le poeple le Roi p^rra estre troublele, mes sueit chescun v's autre a cōmune ley. Et coment q̃ auant ces hours p reison de tiels debates pentre Engleys & Engleys faitz eyent usee destre rulez p la ley de Marche & de Breawen quel nest pas ley ne dut estre dit ley & nemy p la ley de fre, Acorde est q̃ mes ley de Marche ne de Breawen soit tenuz entr^o Engleys & Engleys mes soient rulez a la cōmun ley. Et qi countreuyent les

¹ See p. 366 for this Statute.

satisfaction be made by him to those who are robbed and endamaged by reason thereof, and further be fined at the will of the King; and if he have not wherewith to make restitution to those who are thus endamaged, that he have perpetual imprisonment, and that such wardens and sheriffs have power to enquire of such as thus infringe the peace.

Also that the statute of labourers sent out of England into Ireland be sent by writ to every sheriff, seneschal, mayor, sovereign of cities and towns, that they may make proclamation of this statute, and that the Justiciar be charged to inquire in every place where he goes, of every one who contravenes this statute, and punish them according to the form of the said statute. XIV.
Statute of labourers to be sent to every sheriff, mayor, &c., for proclamation.

Also it is ordained that if strife be stirred up between English and English, owing to which the English of one side and of the other gather to themselves English and Irish in the country, there to remain to make war and harass others, to the great damage and destruction of the King's liege people, It is agreed and assented that no English be so bold as to stir up war against others, nor from henceforth to lead away any English or Irish into the country for that purpose, and that those who so do and be thereof attainted have judgment of life and of limb and their lands forfeited. XV.
English not to stir up war

Also it is ordained that if strife arise between English and English, being of the peace, neither of them make distraint or take pledge or distress upon the other, nor take vengeance against the other, whereby the King's people may be troubled, but that they sue each against the other at the common law. And whereas heretofore by reason of such strifes made between English and English, they have used to be governed by the law of the March and the Brehon law, which is not law nor ought to be called law, and not by the law of the land, it is agreed that from henceforth neither the law of the March nor the Brehon law be observed between English and English, but that they be governed by the common law. XVI.
Common law to be used by English, and not the Brehon law, or the march law.

ordeinaunces susdites et de ceo soient atteyntz soient p's & enp'sonez & reyntz a la volunte le Roi.

I'm ordeine est q̃ nul hōme de quel estat ou condicion qil soit face nul maffe de areste [ou ¹] destourbance a nul des Ministres n're seign^r le Roi, p̃ quei q̃ il ne poeit son office faire et q̃ le face & de ceo soit atteynt soit pris & enp'sone & reynt a la volunte le Roi.

I'm ordeine est q̃ tous ceux q̃ ount f'res en Marche & sont receantz en f're de pees facent receantye en lour f'res en marche ou mettent autr's suffisantz en lo^r lieu en mayntenance & eyde des marchez, et qi ne le face soient les issues de lour f'res en f're de pees p's p̃ les Ministres le Roi illoques & despenditz en la marche p^r saluacion de la dit Marche solome la q^antite des f'res qil ad en marche.

I'm ordeine est q̃ tous ỹ ceux q̃ ount f'res & tenementz en Irlande & sont receantz en Englefre qils facent cōtribucion p^r defense de lour f'res illoques si auant come ceux receantz dedeyns la dite f're Dirlande ỹ fount. Et en cas q̃ meymes ceux p̃ aillours demorantz eyent f'res en marche qils facent asseer & garder lour f'res auaunditz couenablement, par quei les Marchiz puissent le meotz estre enforcez solome la quantite de yceles, et qi ne le face soient les issues de lour f'res despendus en la marche en la forme susdite come plus pleynement est raunde p̃ bref hors Denglefre en Irlande. I'm ordeine est q̃ nules Engleys cōmuns mesfesours ne cōmuns robours ne baretours soient mayntenus p̃ nul de la Court le Roi ne p̃ les g^antz ne petites de la f're sur pil qapent. I'm ordeine est q̃ les chef s'iantz de fee & lour attournez facent du execucion des maundementz le Roi et de viscontz come ils deuoient faire et sils ne facent & de ceo soient atteyntz, soient

¹ Obliterated.

And that whosoever contravene the aforesaid ordinances and be thereof attainted, be taken and imprisoned and fined at the will of the King.

Also it is ordained that no man of what estate or condition he be, cause any manner of hindrance [or] disturbance to any of the officers of our lord the King, whereby he may be unable to execute his office, and that whosoever so do, and be thereof attainted, be taken and imprisoned and fined at the will of the King. XVII.
The King's officers not to be hindered.

Also it is ordained that all those who have lands in the March and are resident in land of peace, make their residence in their lands in the March, or put other sufficient persons in their place, in maintenance and aid of the marches, and whosoever do not so, that the issues of their lands in land of peace be taken by the King's officers there, and expended in the march, for the safeguard of the said march, according to the quantity of the lands which he has in the march. XVIII.
Persons to reside in their march lands, &c.

Also it is ordained that all those who have lands and tenements in Ireland and are resident in England make contribution for the defence of their lands there, just as those resident in the said land of Ireland do. And in case that those resident elsewhere have lands in the march, that those same cause their aforesaid lands to be sufficiently ascertained and guarded, whereby the Marches may be better strengthened, according to the quantity of the same, and whoever do not so, that the issues of their lands be expended in the march in the manner aforesaid, as is more fully commanded by a writ out of England into Ireland. XIX.
Residents in England having lands in Ireland to contribute towards their defence.

Also it is ordained that no English common malefactors or common robbers or barrators be maintained by any person of the King's court, nor by the high or low of the land, on the penalty thereto attaching. XX.
Malefactors or barrators not to be maintained.

Also it is ordained that the chief serjeants of fee and their attorneys make due execution of the mandates of the King, and of the sheriffs, as they ought to do, and if they do not XXI.
Serjeants of fee to make due execution.

lour baillies seisz en la mayn le Roi & lour corps a la p'sone.

Itm ordeine est q̄ si hōme face felonie & soit futif ou soit atteynt p̄ quei ces biens & chateux soient forfaitz a Roi q̄ les viscontes facent seisir les dites biens & chateux en sa mayn, en q̄i mayns les biens aḡs deuenent & respoignent de ceo a nre seignr le Roi sour lour acompte.

Itm q̄ come somouns del Eschequer nre seignr le Roi de Diuelyn viennent a diḡses viscontz & seneschales des franchises p̄r les dettes nre dit seignr le Roi leuer de diḡsez gentz en lour baillies les queux viscontes & seneschales ensemblement oue les ſiantz des Countez & franchises si font leuer diḡses sūmes des dites dettez de diḡses gentz des Countez & franchises & ne les acquitent m̄ye sour lour acomptes a le Eschequer, mes les excusent p̄ les ſiantz de fee & lour lieutenantz p̄ quei la paie des dettes ſire seignr le Roi si est targe & delaie & pdue & son poeple g^{unt}ment endamage de ceo q̄ils ne sont m̄ye acquitez de les deniers q̄ils ount paie. Acorde est & assentuz q̄ q^{unt} viscontes & seneschales de Louth, Mid, Trym, Diuelyn, Kyldaŕ, Cath, Kilkeñy & Weyseford viennent p̄r lour acomptes rendre deuant Tresorier & Barons des issues de lo^r baillies q̄ les ſiantz de fee q̄ sont p̄sentz & les deputez de eux q̄ sont hors de lre soient destreintz de venir en Lescheker & illoques demorer od les dites viscontes & seneschales tanqe les dites viscontes & seneschales eyent pleynement acomptes, et si issint soit q̄ les dites viscontes ou seneschales p̄ront charger les dites ſiantz ou lour deputez q̄ils ount receu des deniers le Roi de nuly nent fesant la paie as dites viscountez & seneschales, & s^r ceo soient atteyntz, demoergent lour corps en garde de Mareschal tanqe gree soit fait a nre seignr le Roi des ses deniers en descharge des dettours nre seignr le Roi ou des dites viscontes ou seneschales sils eyent

and be thereof attainted, that their bailiwicks be seized into the King's hand, and their bodies committed to prison.

Also it is ordained that if a man commit felony and be a fugitive or be attainted, whereby his goods and chattels are forfeited to the King, that the sheriffs cause the said goods and chattels to be seized into his hand, into whosoever hands the goods may afterwards come, and answer therefor to our lord the King upon their account. XXII.
Sheriffs to seize goods forfeited by attainder, &c.

Also that whereas summons of the Exchequer of our lord the King, of Dublin, comes to divers sheriffs and seneschals of franchises, to levy the debts of our said lord the King of divers people in their bailiwicks, the which sheriffs and seneschals, together with the serjeants of counties and franchises, accordingly cause to be levied divers sums of the said debts, of divers people of the counties and franchises, and do not acquit them on their accounts at the Exchequer, but excuse themselves by the serjeants of fee and their deputies, whereby the payment of the debts of our lord the King is so retarded and delayed and lost, and his people greatly damaged, for that they are not acquitted of the money which they have paid, It is agreed and assented that when the sheriffs and seneschals of Louth, Meath, Trim, Dublin, Kildare, Carlow, Kilkenny, and Wexford come to render their accounts before the treasurer and barons, of the issues of their bailiwicks, that the serjeants of fee who are present and the deputies of those who are out of the land be distrained to come into the Exchequer, and there to remain with the said sheriffs and seneschals until the said sheriffs and seneschals have fully accounted, and if it so happen that the said sheriffs or seneschals can charge the said serjeants or their deputies that they have received the King's monies of any, without making payment thereof to the said sheriffs and seneschals, and they be thereof attainted, that their bodies remain in the custody of the marshal, until satisfaction be made to our lord the King of his monies, in discharge of the debtors of our lord the King or of the said sheriffs or seneschals, if they have wherewithal. And if not, XXIII.
As to taking sheriffs' accounts, Leinster counties.

de quei. Et si nemý demoergent en p'sone tanqe ils soient delitís p le conseil & nep^rquant soient les viscontz ent chargez s^r leur acompte come deuant, et q̃ totes les dettes leuez p les s̃iantz soient paieez a visconte p endent^e entre eux fait, issint q̃ q^{nt} les dites s̃iantz viennent s^r leur acompte de visconte en Lescheke qils puissent moustrer leur endent^e a tesmoigner des queux ils ount receu les deniers le Roi & des queux nemy. Et p^r ceo q̃ les Countez de Connaght Kery Cork Wafford Lyme^r & Typa^r sont si loýnz de la Court q̃ les s̃iantz de meýmes les Countes ne poent bonementz venir a Diuelýn de estre s^r leur acompte des viscontz & seneschales de meismes les Countez come autr^s s̃iantz fount. Acorde est & assentuz q̃ les s̃iantz des dites Countes ou leur deputez q^{nt} vn Baron, ou Clerk assigne p Tresorier & Barons vient p cōmission del Escheke es pties susditz p^r la v^{te} cyre examiner & la dette ñre seign^r le Roi leuer, q̃ adonqe demoergent oue le dit Baron, ou Clerk tancome les dites viscontes ou seneschales [demoergent, et si issint soit quilz ont enz receuz de nully nient fesant la paie as ditz viscountz ou seneschallx¹] en la mañe susdit, q̃ adonqe soient arestuz & eyent la penance susdite. Itm p^r ceo q̃ les fees de visconte si sont ordeinez p estatut & les viscontes en la v^{re} de Irlande se pignent en leur tournes de chescune Baronie en leur baillie vn mark p an et de chescune ville marchee a la foite vynt soutz diz soutz & demý mark a tres g^{nt} op^{ss}ione de pœple. Acorde est & assentuz q̃ q^{nt} les viscontes susdites viennent as villes p^r lo^r tournes tenir deux foite p an cest assauoir aþs la seint Michel & aþs la Paske qils ne pignent de nule Baronie, come q̃ villes marcheez sont dedeinz mesme la Baronie, si noun quarant deniers a chescun tourne si autrement ne soit aþs ordeine. Et si issint soit qil soit pue p le seign^r de la Barouie si il ne

¹ A manifest omission : supplied from Statute of Kilkenny, cap. XXXII.

that they remain in prison until they be delivered by the council, and nevertheless that the sheriffs be charged therewith upon their account as before, and that all the debts levied by the serjeants be paid to the sheriff by indenture made between them, so that when the said serjeants come upon their account of the sheriff in the Exchequer, that they may show their indenture, to testify from whom they have received the King's moneys and from whom not. And forasmuch as the counties of Connaught, Kerry, Cork, Waterford, Limerick, and Tipperary are so distant from the court that the serjeants of the same counties cannot conveniently come to Dublin, to be present on their account of the sheriffs and seneschals of the same counties, as other serjeants do, It is agreed and assented that the serjeants of the said counties or their deputies, whenever a baron or clerk assigned by the treasurer and barons comes by commission of the Exchequer into the aforesaid parts, to examine the green wax and to levy the debt of our lord the King, that then they remain with the said baron or clerk, while the said sheriffs or seneschals [remain, and if it happen that they have received any part thereof from any person, without making payment to the said sheriffs or seneschals] in manner aforesaid, that then they be arrested, and have the penalty aforesaid.

Same,
Connaught
and Munster.

Also whereas the fees of sheriffs are ordained by statute, and the sheriffs in the land of Ireland take, for themselves in their turns, of every barony in their bailiwick one mark yearly, and of each market town sometimes twenty shillings, ten shillings, and half a mark, to the very great oppression of the people, It is agreed and assented that when the aforesaid sheriffs come to towns to hold their turns twice each year, to wit, after the feast of St. Michael and after Easter, that they only take forty pence of every barony, although there be market towns within the same barony, at each turn, if it be not otherwise ordained hereafter. And if it should so be that he is supplied with food by the lord of the barony, that he take nothing, if he be not

XXIV.
Fees of
sheriffs in
their turns.

soit requis ou p^{lee} a manger ne p^{igne} riens. Et q̄ nul Clerk de visconte p cause de tiel tourne ne p^{igne} riens ; et auxint q̄ desorenavant nul denier soit leue de nule charue de fre ne en autre man^{ere} p cause de tele office faire si noun le demy mark come desus est dit ; et si nul face encountre lordeinance susdite & de ceo soit atteynt & soit cōmaunde a la p^{isone} & outre ceo soit reynt a la volunte le Roi, et q̄ nules viscontz des franchises q̄ p^{re}nt d^{eu}tes fees du seign^{er}age p^{our} leur office faire ne p^{re}ignent riens p^{our} leur tournes des gentz de leur baillies mes se tiegnent paie^{ment} de ceo qils p^{re}nent de seign^{er}age. Et si ils facent autrement & de ceo soient atteyntz, eyent la penance susdite. I^{tem} acorde est & assentuz q̄ nul visconte desormes se tiegne p^{lee} devant lui en Countee de vede name encoun^{tre} la cōmun ley n^{ostre} seign^{er} le Roi nyent countreesteant nules vsages erroignes disresonables & disacordantz a la ley^e les queux avant ces hours ount este malement vseez, et sil le face & de ceo soit atteynt eyt lenp^{ri}sonement & outre ceo soit reynt a la volunte le Roi. Et q̄ nul s^{er}vant p^{our} nule gage de vede name en tiel cas ne p^{re}igne nul fee p^{our} tiel office faire. Et sil le face & de ceo soit atteynt soit cōmaunde a la p^{isone} & p^{our} de sa baillie et nep^{re}q^{ue}nt face grevouise raunsoun a la volunte le Roi.

requested or prayed to eat. And that no clerk of a sheriff, by reason of such turn, take anything; and also that from henceforward no money be levied of any ploughland nor in any other manner, by reason of executing the said office, except the half mark as is abovesaid; and if any person act contrary to the aforesaid ordinance and be thereof attainted, that he be committed to prison and further be fined at the will of the King: and that no sheriffs of franchises who take certain fees of the lordship for executing their office, take any thing for their turns from the people of their bailiwicks, but consider themselves paid with that which they take of the lordship. And if they do otherwise and be thereof attainted, that they incur the penalty aforesaid.

Also it is agreed and assented that no sheriff from henceforward hold plea of withernam before him in the county, contrary to the common law of our lord the King, any usages, erroneous, unreasonable and not in accordance with the law which have been heretofore injuriously used notwithstanding, and if he so do and be thereof attainted, that he suffer imprisonment and further be fined at the will of the King. And that no serjeant, for any pledge of withernam in such case, take any fee for performing the said office. And if he so do and be thereof attainted, that he be committed to prison and lose his bailiwick, and nevertheless make heavy ransom at the will of the King.

XXV.
No pleas of
withernam
before
sheriffs.



29 EDWARD III. A.D. 1355.

[CLOSE ROLL, 29 AND 30 ED. III., ARTICLE 36 *f.*]

Bñe p Rege directi } R. ditcis & fidelibz suis Robto de Beſlac^o
 Robto de Beſlaco } Riço fitz William Thome Belynges &
 & al. } Walſo de Bykenore ad scrutandū portus
 naves & domos in portubz & aliis locis maritimis, ac ipſa loca
 maritima a portu de Holpatrik & in eodem portu usq
 Dubliñ & ad arestand blada & pisces in nauibz ad educend
 poſit & ad portus & domos mari vicinos occulte p noctes ad
 educend duci cont^a pclamações & inhibições ex pte nra sub
 g^aui ipſoz bladoz & pisciū forisftura nra sine licencia nra spali
 tam infra libtates q^m ext^a assignatis saltm. Licet p nra ac
 Ministroz nroz Prelatoz Magnatū & çois populi & Pre nroz hibñ
 vtilitate publica de consilio nro duxim⁹ ordinand qđ forstalla-
 tores p^uati mcatores broggatores & alii qui vocant^r Braggers
 & Lotlers qui cont^a pclamações & inhibições sub pđca & alia
 g^auiori forisftura p nos fcas ne pisces occulte p forstallamenta
 vel fraudulentā seu subtilē & dampnosam hi⁹ conuençoe
 emēt nec occulte in noctibz aut alias ad domos singulařm
 psonaz in Civitate pđca vel alibi ad saliend & ext^a vram mittend
 set veri emptores pisces ipſos ad scabella dce Civitatis & alioz
 locoz publica absq oī fraude & dampnosa conuençoe hi⁹
 vendent^r ducent put ante iam inuentas fraudes fieri consuevit
 pisces hi⁹ anteq^a capiunt^r & cū capti sūint forstallando p maiori
 pñcio q^m valent & valere consueuerūt post pclamações &
 inhibições nras hi⁹ emerūt & indes emunt & ad domos dcoz
 forstallatoz p^uatoz mcatoz & broggatoz ac alioz qui hi⁹

29 EDWARD III A.D. 1355.

Writ for the King,
directed to Robert
de Beverley and others.

THE King to his beloved and faithful Robert de Beverley, Richard fitz - William, Thomas Belynges and Walter de Bykenore, appointed to search harbours, ships and houses in the ports, and in other sea side places, and the sea side places themselves, from the harbour of Holmpatrick and in the same harbour up to Dublin, and to arrest corn and fish placed in ships to be brought away, and brought to ports and houses near the sea secretly by night, to be brought away contrary to proclamations and inhibitions on our part, under the heavy forfeiture to us of the said corn and fish, without our special license, as well within liberties as without, greeting. Although for the public benefit of us and our officers, prelates, magnates and the common people of our land of Ireland, by our Council we have thought fit to ordain that forestallers, private merchants, brokers and others who are called "braggers and loders" who, contrary to the proclamations and inhibitions made by us under the aforesaid and other more heavy penalty of forfeiture, that they should not purchase fish secretly by forestalments or a fraudulent, subtle and injurious agreement of this kind, nor secretly by night or any other time to the houses of individual persons in the aforesaid city or elsewhere, bring them to be salted and sent out of the land, but that bona-fide buyers should sell the said fish at the public shambles of the said city and other places, without any such fraud and injurious agreement, as was wont to be done before these frauds were discovered, by forestalling the fish in this way before they are taken and when they are taken, for a greater price than they are value for, and were wont to be value for, after our proclamations and inhibitions, have purchased and daily do purchase, and to the houses of the said forestallers, private merchants and brokers and others, who practise and procure to be practised

forstallamenta & abroggamenta p alios faciūt & fieri pcurant ad salient & ext^a Fram nram sine debita licencia t^{ra}smittend duxerūt & ducunt p ipsoz cōmodo singulari. Ita qđ raro¹ & q^{uo}ndoz nulli pisces in diebz quibz pisces comedunt^r ad vendend p sustentacōe Ministrorū Prelatoz Magnatū & populi pđcoz inveniunt^r in nri & mandatoz nroꝝ pđcoz contemptū & Ministroz nroꝝ & alioz populiq^{ue} pđcoz g^{ra}ue dampnū & deßsionē maxime cū dci pisces qui p ipos forstallatores broggatores & p^{ri}uatos mīcatores ac ordinacōem suam & p^{ri}ciū imposicōem vendicōi exponunt^r in duplici vel triplici maiori p^{ri}cio q^{uo}m alias vendi deberent & consueuerūt vendant^r & cont^a p^{re}clamações & inhibicōes nras sub forisftura hi^o inde fcas. Nos volentes ipsoz machinate malicie & dampno publico obuiare ipsozq^{ue} talit^r delinquentes punire debito in hac pte, voß & vřm cuilibet sub piculo qđ incūbit ac eciam sub g^{ra}ui forisftura nra districcius iniungendo mandam^{us} qđ statim visis p^{re}sentibz ad portū de Holpatrik necnō ad singulos portus aliunde vsq^{ue} Dubliū tam maiores q^{uo}m minores vbi sunt piscatores & pisces capiunt^r tam infra libtates q^{uo}m ext^a ifato ne ordinacō nra & consilii nri pđca quēq^{ue} m lateat p^{re}clamari & inhiberi ex pte nra fac^{iat} ne qui forstallatores p^{ri}uati mīcatores Broggatores Braggers siue Loders sub forisftura pisciū corporū & bonoz suoz p hi^o forstallaçōem aut occultā & dampnosam conuençōem seu quouis alio colore ante capçōem pisciū vel post cont^a dcam ordinacōem vnde dampnū cōe aut maior inde caristia sequi posset emant aut ipi piscatores seu alii eoꝝ nōie talit^r forstallatoribz aut aliis pđcis captos hi^o pisces vendant nec ad ptes exfas mittant sine spali nra licencia vt eat dēm set qđ veri emptores ac Loders & Braggers pisces in portubz cū capti fūint absq^{ue} omī fraude forstallaçōe & p^{re}hita conuençōe ad

¹ So in MS. for *rari*.

by others such forestallings and brokages, to salt them and send them out of our land, without due license, have brought and do bring for their own individual accommodation. So that few and sometimes no fish are to be found for sale on the days on which fish is eaten, for the sustenance of the aforesaid officers, prelates, magnates and people aforesaid, in contempt of us and of our mandates aforesaid, to the grievous loss and injury of our officers and others and of the people aforesaid, especially when the said fish, which by the said forestallers, brokers and private merchants and under their own ordinance and fixing of price are exposed for sale, are sold for double or treble greater price than otherwise they ought and were wont to be sold, and contrary to our proclamations and inhibitions, under the forfeiture in that case provided. We, being willing to obviate their contrived malice and the public loss, and to punish duly in this behalf those offending in such a way, you, and every of you, under the penalty which attaches, and also under heavy forfeiture to us, most strictly enjoining, command that immediately on sight of these presents, at the harbour of Holmpatrick, also at the several harbours at other places, up to Dublin, as well large as small, where there are fishermen and fish are taken, as well within liberties as without, lest the aforesaid ordinance of us and of our Council be by any means concealed, you again cause proclamation and inhibition on our behalf to be made, that no forestallers, private merchants, brokers or laders, under forfeiture of their fish, their bodies and their goods, by such forestalling or secret or injurious agreement or any other pretence, before the taking of the fish or after, contrary to the said ordinance, whereby common loss or greater scarcity thereof may ensue, purchase, or the fishermen themselves or others in their name in such manner to the forestallers or others aforesaid, sell fish taken in this way, nor send them to foreign parts, without our special license as aforesaid, but that bona-fide purchasers and laders and brokers purchase the fish in the harbours when they shall be taken, without all this fraud, forestalling and prohibited

Proclamation
to be made
against
forestallers
of fish.

Bona-fide
purchases in
the harbours
for sale in the
city.

suū pprīū ⁊ nō altius vsum emant ⁊ vendant in Civitate βdca ⁊ alibi illis qui p sustentaçoe sua ⁊ domus sue eos esse volūnt cessantibꝫ forstallaçoiꝫ ⁊ fraudibꝫ quibꝫlibet vt est dcm, ⁊ omēs illos quos tam post piores qm p̄sentes pclamaçoes ⁊ inhibiçoes n̄ras cont̄riū facientes vel inde p inquisiçoes in portubꝫ ⁊ locis βdcis p vos ⁊ v̄m quemlibet capiend culpabiles inueñitis tam emptores qm venditores hi' sic culpabiles vna cū piscibꝫ sic emptis ⁊ venditis tamq̄m nob̄ forisftis arestetis ⁊ attachietis ⁊ corpora eoꝝ ad Castrū n̄m Dubliū t̄nsmittatis ibidem custodiend ⁊ pisces sic arestatos saluo ad opus n̄m custodiri fac̄ quousq; aliud inde ex delib̄açoe dci consilii n̄ri duxim' ordinand. Et vos ⁊ quilibet v̄m scrutinia tam in domibꝫ in singtis portubꝫ ⁊ locis mari vicinis βdcis qm in nauibꝫ ac inquisiçoes hi' de emptoribꝫ ⁊ venditoribꝫ βdcis ter bis vel semel ad min' aut pluries in ebdomoda put expedire videritis fac̄ et nos in Cancellar̄ n̄ra bibū de nōibꝫ arestatoꝝ ⁊ cont̄riū facienciū ac de num̄o ⁊ valore pisciū quos sic forisftos inueñitis de tempore in tempus sub sigillis v̄ris vel alicuius v̄m c̄tificetis vt delinquentes talif cū rigore iusticie puniam', vt alii metu pene ad faciend talia phibita conpescant. Scientes qd si vos negligentes in execuçoe p̄sentis mandati n̄ri inuenti fūitis vel remissi corpora v̄ra pena simili puniend arestabim' ⁊ forisfturam in vos ⁊ v̄m quemlibet exēcebim' sup̄dcam. Nec volum' qd aliquis v̄m ppl̄ absenciam altius se excuset p̄missa fac̄e vel omittat Intençois tamē n̄re ⁊ dci consilii n̄ri existit qd Justic̄ Cancellar̄ ⁊ Thēs n̄ri Hibn cefiq; Ministri n̄ri aut magnates ⁊ alii fideles n̄ri empçoes ⁊

agreement, to their own proper use and no other, and sell them in the said city and elsewhere to those who wish to purchase them, for their own sustenance and that of their households, forestallings and frauds of every kind ceasing, as aforesaid, and all those whom, as well after the former as our present proclamations and inhibitions, you shall find doing the contrary or thereof guilty, by inquisitions in the ports and places aforesaid, by you and every of you to be taken, as well the buyers as the sellers, so guilty in this way, together with the fish so bought and sold, as forfeited to us, you arrest and attach, and their bodies to our castle of Dublin you transmit, there to be kept, and the fish so arrested you cause to be kept safely, to our use, until we see fit to ordain otherwise therein, after deliberation of our said Council. And that you and every of you cause searches to be made, as well in houses in the several ports and places near the sea aforesaid, as in ships, and that you make such inquisitions as to buyers and sellers aforesaid, thrice, twice or once at the least, or oftener in the week, as you shall see fit, and us in our Chancery of Ireland of the names of those arrested and acting contrary, and of the number and value of the fish which you shall find so forfeited, from time to time under your seals or those of any of you, you shall certify, so that we may punish those offending in such a way with the rigour of justice, so that others through fear of punishment, may be restrained from committing such prohibited acts; causing you to know that if you be found negligent or remiss in the execution of our present mandate, we shall arrest your bodies for the purpose of visiting them with similar punishment, and we shall exercise the aforesaid forfeiture against you and every of you. And we will that none of you, on account of the absence of another, excuse himself or omit to [act in the premises. Nevertheless it is the intention of us and of our said Council that our Justiciar, Chancellor and Treasurer of Ireland and other our officers, or the magnates and our other faithful subjects, may freely make purchases and supplies

Penalty
against trans-
gressors.

Search to be
made.

Certificate as
to offenders
and fish
forfeited.

puidencias pisciū p sustentaçoe domoꝝ & familiaꝝ suaz in portubꝝ & locis p̃d̃cis liḃe faḃe possint dūmodo quicq̃m doli in hac pte fiat nec fraux nec decepçō sub eo colore quouis modo cōmittat̃ cont̃ ordinachōem p̃clamaçoes & inhibiçoes ñras sup̃ d̃cas. Et nolum⁹ qđ p̃textu p̃sentis mandati ñri lib̃tati & iuri eccl̃ie Dublineñ fiat p̃iudiciū aliquale. T. p̃fato Justiç apud Dublin vij die Junii. p̃ ip̃m Justiç & conā.

of fish, for the sustenance of their houses and households in the ports and places aforesaid, provided that nothing crafty in this behalf be committed, nor fraud or deception, under colour of it, in any way be practised, contrary to our ordinance, proclamations and inhibitions aforesaid. And we do not wish that under pretext of our present mandate, any prejudice be done to the liberty and right of the Church of Dublin. Witness the aforesaid Justiciar at Dublin the 7th day of June.

By the Justiciar himself and the Council.

29 EDWARD III. A.D. 1355.

OF THE CORRECTION OF ERRORS IN PARLIAMENTS TO BE HELD IN IRELAND.¹

The King to his Justiciar and Chancellor of Ireland greeting. On behalf of some of our lieges of the community of our land of Ireland. it has been shewn to us with grievous complaint, that whereas they have sustained very many losses and injuries for a long time, because they cannot recover out of our hands their lands and tenements which have been taken into our hand by our officers of the said land, as well by way of distrainment as by reason of trespass or of alienation made without our licence, of their own will and without reasonable cause, although they might have prosecuted in proper form and by due process thereof within the power of you and others of our council in those parts, according to the law and custom of the said land. And also because the errors which are alleged to have occurred in the records and processes of pleas held before our Justices and other Courts and Places in the said land which have record, and in the returns of the said judgments and pleas, cannot be corrected in Parliaments in the said land, nor can justice be done thereof in other wise without seeking a remedy in England; on which account, because of the labour and expense incurred in the premises, they are brought to the greatest wretchedness and want, and some are altogether deprived of their inheritance; wherefore our said faithful subjects have earnestly prayed that we should cause a suitable remedy to be applied in the premises. And inasmuch as it appears to us and our council to be hard and oppressive that complainants, in the prosecution of justice for injuries inflicted upon them in the parts aforesaid, should be so harassed without remedy, therefore for the quiet and indemnity of our people who are in the said land under our rule, to whom we are debtors in the display of justice; we have ordained that of all lands and tenements in the said land, by our Justices, escheators, or any other officers whomsoever, without our mandate under our seal, taken into our hand, to those who are willing to sue for the said lands and tenements out of our hand by due and just process before you, full justice be hereupon done, according to the law and custom of our realm of England and of our said land of Ireland, any

Liberty to sue
in Ireland for
lands taken
into the King's
hands.

¹The text, taken from Close Roll, Engl. 29 Edward III., m. 12, is printed in Bymer's *Fœdera*, Vol. III., pt. 1, p. 312, and in Fyenne's *Animadversions* (1666), p. 286.

our mandates whatsoever under our great or privy seal of England to you or other our officers in the said land heretofore directed notwithstanding. And that at the suit of all and singular who wish to complain that errors have occurred in the records and processes held before any Justices or other officers aforesaid, the rolls of the said records and processes be produced in our Parliaments in the said land to be held, by the Justices or officers before whom those records and processes were had, and there the said records and processes be diligently read and examined, and the errors, if any happen to be found therein, be duly amended. And therefore we command you that you cause the aforesaid ordinance to be observed in our said land, and full and speedy justice to be done to the parties complaining in form aforesaid, any mandates whatsoever to the contrary to you or others in the said land heretofore directed notwithstanding. So that no one may have reason for complaining henceforth to us, for default of justice in the aforesaid cases. Witness the King at Westminster the 30th day of August.

Amendments
of errors in
records and
processes of
pleas.

By the King himself and the Council.

31 EDWARD III. A.D. 1357.

ORDINATIO FACTA PRO STATU TERRÆ HIBERNIÆ.¹

AN ORDINANCE MADE FOR THE ESTATE OF THE LAND OF IRELAND.

The King to the Archbishops, Bishops, Abbots, Priors, to our officers both great and small, and to other our faithful subjects whomsoever, of our land of Ireland, unto whom these presents shall come, greeting. Whereas from the frequent information of trust-worthy persons, we have learned that our land of Ireland, and the Irish Church, and the clergy and people thereof subject to us, through default of good government and the neglect and carelessness of the royal officers there, both great and small, have been hitherto in divers ways disturbed and oppressed; and the marches of the said land situate near the enemy, have been laid waste by hostile invasions, the marchers being slain and plundered, and their dwellings outrageously burnt, and others compelled to desert their own places, some of them flying to the enemy, and others to strange places; and divers parts of the said marches being thus desolate and deserted have been occupied by the enemy; and the affairs of us and the said land unsuitably and unprofitably carried on, the laws and approved customs not duly observed, our people in divers manners spoiled of their goods and property, against justice, law, and the form of the statutes thereof made; and our peace broken and ill kept, and traitors, thieves, and malefactors not punished as they ought to be: by occasion of which evils, greater and irreparable losses (which God forbid!) are feared to happen, unless they are met by fitting remedies. We desiring to provide for the good government and quiet of the said land and people, have thereupon, by assent of our council, determined that the matters following be ordained and steadfastly observed.

Liberties of the
Irish church
confirmed.

I. Firstly, we will and command that the Holy Irish Church have her liberties and free customs inviolable, and freely enjoy and use the same.

Discussion of
public matters
in Council and
in Parliament.

II. Also we will and command that the affairs of us and of the said land, those especially which are great and arduous, in Councils, by our skilled councillors and the prelates and magnates, and certain of the more discreet and prudent men of the parts adjoining where those councils

¹ The text, taken from the Statute Roll, Engl. 31 Edward III., m. 12, is printed in *Statutes of the Realm*, I. p. 367, in Frynne's *Animadversiones* (1609), p. 287, and in Ryley's *Placita Parl.*, p. 582. This ordinance was exemplified and confirmed; see Patent Roll (Engl.), 17 Ric., II., pt. 2, m. 34.

may happen to be held, for this cause to be summoned, and in Parliaments by those our councillors, and the prelates, and nobles, and others of the land aforesaid, as custom requires, according to justice, law, custom, and reason, be treated, managed, and faithfully discussed and also determined, without fear, favour, hatred, or reward.

III. Also whereas the justices and certain others who have been heretofore our officers of our said land, led by the counsels of their private counsellors and not of ours, not to say of brokers, have occasioned innumerable wrongs, as well to us as to singular other persons, applying their gains unlawfully acquired in that behalf to their own uses and not to ours; we will and command that our said officers, especially the greater, keep not in their service such counsellors as aforesaid who are brokers, more especially those defamed of such brokages, who have heretofore belonged to such chief officers; and if they should have retained any, that they forthwith remove them from them, that the affairs of us and the land be not obstructed by the said brokers; nor the profits to us appertaining be carried away from us through the means of their feigned counsels; and if such private counsellors, which God forbid, being retained among the followers of those our officers, contrary to the aforesaid ordinance, should receive any thing from the people or any of them, to their oppression by brokage or other underhand bargain, to their own use or that of their lords, that they restore it fully to him that paid the same, and nevertheless, for such extortion, be duly punished toward us by our Justiciar and council of Ireland; and make reasonable fine to us, as shall seem meet unto our said Justiciar and council, and be removed forthwith, as is above rehearsed, from their retinue; we hereby strictly enjoining our Justiciar of Ireland for the time being, that this he do faithfully observe in his own person, and do cause the same to be observed by others.

Justices and great officers shall not retain in their service evil counsellors, especially brokers.

Punishment for oppressing the people by brokage.

IV. Also, whereas the people through almost all Ireland subject to us, by plunderings and takings of victuals and others of their goods, by purveyors of the said chief officers, and very frequently by command of those officers, have been lamentably oppressed; we will and strictly command, that purveyances of victuals to be made in the said land of Ireland, for the use of us and our said chief officers, be made according to the form of the statutes and articles published and made by us in Parliaments and other great councils, for the benefit of our people, and not otherwise; so that victuals or other things whatsoever to be taken for such use, be appraised by good and lawful men of the neighbourhood of the places where they shall happen to be taken, sworn thereto, and not menaced nor compelled by menaces, having regard to the

Purveyances to be according to the statutes.

Victuals, &c., to be appraised.

price at which such victuals and things are sold in the neighbouring markets, and that the price be paid forthwith : and if for lack of money the said purveyors make tallies of such price to those from whom the victuals and things were taken, according to the said price, that they pay the same price within one or two months. Provided always that for small victuals and things so bought and taken, that is to say, under the sum of twenty shillings, that ready payment in hand be made ; and if our chief officers neglect to do this, we will and command that our Treasurer of Ireland for the time being, pay the said price without difficulty, out of the fees which our said chief officers receive at our Exchequer of Dublin ; or else that so much be taken from the fee of the said Treasurer, and paid for the said victuals, for his default in this behalf ; and that the purveyors deputed to purvey such victuals, make their corporal oath upon the Holy Gospels of God before our council of Ireland, that they will purvey and take such victuals, where it may be done to the greatest advantage of us and our officers, and the least damage to our people, according to the form of our commissions thereof to be made to them under our great seal of Ireland ; which contain the method and form of making such purveyances, according to the tenor of the statutes and articles aforesaid ; and that clause especially, " if they do otherwise, let it be done of them as of thieves " ; and that they take not fines or gifts from others, that they may spare them and injure others ; and that no victuals or other things be taken or purveyed, as is aforesaid, for the use aforesaid, by any commissions of our said chief officers under their seals, but only by commissions under our great seal of Ireland : and we will moreover that such purveyances be made by deliberation, as well of our council, as of certain prudent and trustworthy persons among the chiefs of those neighbourhoods wherein they our said chief officers abide, or whereto they happen to come ; so that the grievances in that behalf may cease, which have hitherto woefully oppressed our liege people of Ireland. But for the honour and worship of God and Holy Mother Church, we will not that any thing be taken in anywise in churches, or the endowments and fees of churches, to the use of us or those officers, either by those our officers, purveyors, or any others, against the will of the prelates or ecclesiastical persons or the guardians of their places and goods.

Payment.

Purveyors to be sworn.

Their commission.

Purveyances to be made by order of council, &c.

Saving for the clergy.

V. Also, whereas through the default and neglect of our said chief officers, our peace in divers parts of the said land, as well without the marches as within the same, has been carelessly kept, whereby thieves, malefactors, and disturbers of the said peace being made bolder, have hitherto publicly committed manslaughter and robberies, as well in

lands of peace as in the marches, and have exacted fines and ransoms from divers men, that they might let them go in peace, and by threatenings to kill them and to burn their houses have extorted the same; and thus in divers parts where peace has flourished, the march has become full of war and the people afflicted: we will and strictly command that our Justiciar of Ireland who now is, or for the time being shall be, in every county where he shall hold his sessions, make diligent inquiries, concerning such manslaughterers and manslaughters, robbers and robberies, trespassers and trespasses, and those who exact and extort such fines and ransoms, and also concerning those who are called idle men, and malefactors who are also called kernes and their leaders, by whom the liege people of divers parts are oppressed and destroyed, and very many of them compelled to leave their own places, many times and often in the year, and cause the parties indicted to submit to justice, if he would avoid our indignation and the punishment due on our behalf.

The Justiciar to enquire as to manslaughterers, robberies, &c.

Moreover, we will and command that the residents in the country where it shall happen that such robbers and malefactors are wandering, and committing robberies and thefts, make competent satisfaction to those of the said country, who are robbed and plundered of their goods by the persons aforesaid, if they did not pursue such robbers and malefactors with hue and cry, nor have answered for their bodies, according to the form of the statute heretofore made and provided at Winchester; and if the keepers of the peace in the counties of our said land of Ireland should be negligent in the execution of their office, we will and command that frequent inquiry be held touching their neglect and careless conduct, by our Justiciar of Ireland; and that he punish and chastise them, by imprisonment of their bodies, and by fines to be made with us, according to the manner, quality, and quantity of their faults, neglects, and offences.

Residents in the country shall make satisfaction for robberies, &c.

Keepers of the peace to be punished for negligence.

VI. Also, whereas by occasion of charters of pardon of felonies and trespasses, by those who have hitherto been our Justiciars of Ireland, generally and improvidently granted, seditions, manslaughterers, robberies, thefts, and trespasses have been more frequently committed, and other evils innumerable have ensued thereupon; we will and command that such charters be not granted from henceforth, except in parliaments or councils, by the assent and advice of the said parliaments and councils, having regard to the qualities of the persons and of the offences committed: provided that no general pardon be thereof granted, but that the felonies or trespasses committed be specified and expressed therein, according to the tenor of a certain statute by us and our council of England made, and sent into Ireland to be observed.

Charters of pardon shall not be granted, except in parliaments or councils.

Felonies to be specified in pardons.

[17 Edward II., c. 6, see p. 294.]

The council of Ireland, &c., to certify into England only true reports as to the state of Ireland.

VII. Also, whereas our council of Ireland and certain prelates, magnates, communities of cities and towns, and likewise others being messengers sent from Ireland, have by letters and suggestions untruly certified us and our council in England from time to time, that good peace was preserved, in our said land of Ireland, and that peace in all parts or in divers marches had been re-established; in which times there occurred greater manslaughterers, burnings, and plunderings of the English marches and other mischiefs, from sudden invasions of the enemy, than in times of wars; and we confiding in such certificates, did not provide defences and other remedies, as behoved us, in convenient time, whereby divers countries are weakened and wasted; the which deceits and delusions in such certificates we intend not to pass over in silence, but to punish; we will, and under heavy forfeiture to us do command, that from henceforth no prelates, magnates, communities, or any others, for the avoiding of future dangers, dare or presume, upon the procurations of any of our officers or otherwise, to certify us and our council in such case, except of the truth of the fact; and if they presume so to do, and be thereof found guilty, we shall cause them to suffer due punishment.

Marriage between English and Irish and fostering prohibited.

VIII. Also, whereas by marriages and divers other ties and the fostering of infant children among the English dwelling in the marches, and the Irish, and by forewarnings and espials made on both sides by the occasions aforesaid, infinite destructions and other evils have happened hitherto, and the expeditions of us and of our Justiciars there in our name, as well in acts of war as in other useful progresses, have been impeded; we will and command that such marriages, to be contracted between English and Irish, and other private ties and fostering of infant children, from henceforth cease, and be altogether done away; and that our Justiciar of Ireland for the time being make diligent inquiry from time to time, of such marriages between English and Irish, ties and fostering of infants, and of the adherings together, forewarnings and espials made by such occasions, if hereafter any happen to be contracted or made, and punish the offenders according to the law and custom of our land of Ireland.

Mayors and officers of the staple not to exceed their jurisdiction.

IX. Also, whereas the mayors, constables, and other officers of the staple of Ireland, by colour of the statute of the said staple, hold cognisance of, and make erroneous and unjust processes in, pleas of debts, trespasses, and divers other complaints, which concern not the merchandise of the staple, and of old causes before the time of the said staple, like as in matters and pleas of the staple, to the very grievous damage of our people of those parts: we will, and prohibiting command, that the said mayors, constables, or other officers of the said staple, do not

hold any other pleas than those which belong to them, according to the force, form, and tenor of the aforesaid statute of the staple ; and if they so do, that our said Justiciar from time to time thereof make inquiry, and duly punish the offenders.

X. Also, whereas certain officers, both great and small, and the serjeants who plead in our courts there, and sometimes the clerks of the Places, notwithstanding the statutes enacted touching champerties, as well for gifts and bargains, as mutual covenants among themselves and some of the parties pleading before them, to have the lands in plea when they should be recovered, have maintained, defended, and aided one of the parties ; so that commonly the land so in plea, and recovered through an error in justice, by the maintenance and aid of the aforesaid officers and serjeants, has remained in the hands of some one of them, without his paying anything or but little for the same ; and thus the parties are cheated out of their land, and having lost the expenses incurred in the said pleas, have been brought to poverty or a miserable state ; we will and command, and strictly enjoin, under heavy forfeiture to us, and under the penalties contained in the said statutes, that none of our officers great or small, serjeants or any clerks whatever, make or carry on such maintenances, defences, or aids to parties upon such occasions against justice, nor acquire land so in plea, or attempt any thing else, against the form of the said statutes.

Champerty
forbidden.

XI. Also, whereas writs of debts and trespasses and other things besides, which ought to be pleaded before our justices at common law, are commonly pleaded in our Exchequer of Dublin by writs of the said Exchequer, whereby our Treasurer and Barons, and the clerks of the said Exchequer, being occupied about such pleas, are hindered from attending to the business of us and our people, which belongs to their offices in the said Exchequer, by the law and custom of the said Exchequer, whereby the said businesses are daily delayed, to the grievous damage of us and our people ; we will, and strictly enjoining do command, that such common pleas be not pleaded in the said Exchequer, contrary to the form of the statute thereof made and provided ; and that the Chancellor of the said Exchequer, if he do sign such writs at common-law, or do cause or suffer the same to be signed under the seal of the said Exchequer, for the contempt done unto us, and for the wrong brought upon the party, answer as he ought to do, before our Justiciar, either by our writ or by bill.

Common Pleas
shall not be
pleaded in
the Exchequer.

XII. Also, whereas through false and untrue suggestions of certain Bills and persons of Ireland passing to and fro, having railing tongues, and striving to injure the fame and reputation of our good officers and other

and
suggestions
shall be
transmitted
under great

seal of
England to the
Justiciar, &c.,
of Ireland for
enquiry.

liege subjects in those parts, as well by bills as suggestions, not without scandal, the affairs of us and our land are thereby often hindered ; we will and ordain that from henceforth such bills and suggestions, when put into writing, be transmitted under the seal of the chancellor of England for the time being, to our Justiciar, Chancellor, and Treasurer of Ireland for the time being ; to the end that they, calling unto them such others as they shall think meet to be called, in the presence of the said comers to and fro, or brokers, whom we do likewise will to be sent back into Ireland, make diligent inquiry of the contents of such bills and suggestions aforesaid ; and if the bills and suggestions do contain truth, that they duly correct and amend the defaults. And if the said comers to and fro, and brokers have suggested falsehoods and lies, that they suffer due punishment, that such punishment may afford a warning to others to abstain from such things.

In treaties of
peace between
the Justiciar
and the Irish,
satisfaction
agreed on shall
be strictly
exactd.

XIII. Also, although in the renewals of peace between our Justiciar of Ireland and the Irish, upon the wars stirred up on either side, it has been commonly expressed that for damages caused by wrong-doers, peace broken, or mutual depredations done by invasions, restitution of goods or due satisfaction should be made to those who had suffered losses ; yet the Justiciars heretofore have not taken care to insist upon the making such satisfaction to the English injured, whereby the said English have been hitherto oppressed, and the enemies being thereby enriched, have been eager so much the sooner to break the peace, and to commit plunders and other direful evils ; we will and strictly command, that the Justiciar of Ireland for the time being, when it shall have been ordained by peaces and treaties of peace, or otherwise, that such satisfaction should be made on either side, diligently insist and take care, that in such case, mutual justice and speedy satisfaction be done to those who have suffered injury in that behalf.

The Justiciar
of Ireland shall
enquire of
King's debts
paid to the
sheriffs.

XIV. Also, whereas the sheriffs of counties in Ireland have often and repeatedly by grievous distresses, levied of the people of their bailiwicks, many and divers debts of the green wax, and other debts arising upon summons and estreats, and otherwise in demands ; and have neither charged themselves in their accounts, nor, at the Exchequer aforesaid acquitted those who paid, to our great damage and the manifest oppression of the people ; we being minded to apply a remedy in this behalf, do will and strictly command, that our Justiciar of Ireland for the time being, in every county in which he shall hold his sessions, diligently inquire, that is to say once in the year at least, concerning such debts so paid to the sheriffs by those of the people, whether once

or more, that is to say, as well for the time past, as he shall deem expedient, as for the time to come; and that all such debts, which, by tallies or acquittances of the said sheriffs, or the under sheriffs or serjeants-general of those counties, or seneschals, or bailiffs, or other officers, or by inquests thereof to be taken or by other lawful means, it can be made appear, have been paid to them by those of the people, together with the names of the receivers and payers, he cause to be enrolled and put into writing, and those rolls to be sent under his seal to the Exchequer aforesaid: to the end, that the Treasurer and Barons of the said Exchequer, upon inspecting those rolls, and examining the rolls of accounts of those sheriffs and other officers aforesaid, there remaining, and other rolls and remembrances touching the premises, calling before them the sheriffs, officers, and others who should be called, cause the said sheriffs and officers to be charged with the sums which it may be made appear that they did so levy, without charging themselves in their accounts or otherwise for the same, and for the concealments in that behalf to be punished, and the payers of the same to be acquitted at the said Exchequer; and if the said debtors have paid one and the same debt many times, that the said sheriffs and officers or their heirs or executors, be compelled to restore the same beyond one receipt to the said debtors, their heirs or executors, as is just. And if the aforesaid Justiciar cannot attend to these matters, being hindered from various causes, we will and command, that three or two of the most trusty and lawful men of those counties be assigned, by commissions under our great seal which we use in Ireland, to inquire, and to do and fulfil all other things in the same article contained, in the form aforesaid.

And certify them with names of receivers and payers into the Exchequer.

Exchequer to charge sheriffs and acquit payers.

Sheriffs, &c., shall be compelled to refund overpayments.

XV. Also, although many of our debtors have paid their debts required of them, at the aforesaid Exchequer, and have been discharged and acquitted thereof in the great rolls of the said Exchequer, yet those debtors, in the rolls of the remembrancers of the said Exchequer, whence the exaction of those debts has issued, are not acquitted of the said debts; whereby the very debts paid do almost daily run in demand, and they being so acquitted, nevertheless under pretext of exactions issuing from the remembrancers' offices, by grievous distresses, with grievous expenses and trouble, being compelled to come to the said Exchequer for this reason, and to plead, and to pay large sums for making searches in the said remembrancers' offices, are miserably oppressed; we will therefore, and do strictly command, that the Treasurer and Barons of the Exchequer aforesaid, do enjoin and cause the engrossers of the said Exchequer, when any such debtors have been made quit of debts in the said rolls, forthwith to show those acquittances

Acquittances of debts to be entered in remembrance rolls.

to the aforesaid remembrancers, and the said remembrancers to be thereof in like manner discharged and acquitted in their rolls ; under a heavy penalty, either pecuniary or otherwise, upon those in whom neglect or omission in this behalf shall have been found, by our said Justiciar and others of our council, in their discretion, to be imposed.

The King's subjects not to be taken or imprisoned by the justices without indictments or presentments.

XVI. Also, whereas certain of our justices of Ireland have arrested, taken, and imprisoned divers men of Ireland great and small, by writs, precepts, bills, and otherwise, at their will, and without indictments, presentments, or due processes, and have detained them in dark prisons and bound in irons, until through duresses, imprisonments, and penalties inflicted, they made fines and ransoms with the said justices and their private counsellors and brokers according to their pleasure, to their own personal profit and not to ours, against the form of the Great Charter and other our statutes thereupon made, and against the law and custom of the said land ; so that by means of such private counsellors and their covetousness and personal profits, our rights and those of our Crown, and our profits have been often withdrawn, injured, subverted, and lost ; and likewise many persons, as well those indicted as those not indicted, and imprisoned, have besought the said justices to have their deliverances according to the law and custom of the said land, which they could not obtain at the common law, until they made and paid in like manner such fines and ransoms with the said justices and their private counsellors, to receive for their own use and not for ours, for having their deliverances at common law, or gave them security for the same as contented them ; we will and strictly command, that men being our subjects, without indictments, presentments, or other due processes, against the form of the charter and statutes aforesaid and the law and custom abovementioned, by our justices of Ireland, for the time being, or their deputies, or by their precepts, or mandates, or bills, by no means be taken or imprisoned. And if the contrary be done, as well for the time past as in future, we shall cause timely remedy to be applied against the offenders, according to the advice of our council, at the complaints of the parties aggrieved and making complaint.

The Justiciar of Ireland, with a prelate, earl, the chancellor and others shall yearly enquire into the conduct of inferior officers.

XVII. Also, whereas by the good and discreet government of officers, the land and people are strengthened, and affairs have a prosperous issue, so by their neglect and carelessness unexpected evils arise, wrongs happen, and businesses are in various ways obstructed, we will, and for the public weal of ourselves, and our land and people of Ireland, do ordain, that our Justiciar of Ireland for the time being, taking unto him a prelate and an earl, of the parts nearest to those where the inquests following ought to be made, and the Chancellor and Treasurer

and certain others of the more learned justices of the Places, and Barons of the Exchequer there, every year about the middle of the year, by the oath of good and lawful men, as well clerks as knights and other lawful men of the county of Dublin, and also of other counties, if need be, of our said land of Ireland, make diligent enquiry concerning the actings and doings of our officers of the aforesaid land (the Chancellor, Treasurer, and Justices of both Places and Barons of the aforesaid Exchequer, who are judges in their own Places, and award judgments, alone excepted), that is to say, in what manner each of them bears himself in his office and does his duty, and how he does justice, or wrongs, or oppressions, or grievances, or damage unto us or our people, as well in the country as in his Place, by colour of his office or of royal commissions thereof made to him, or for gifts perverts justice or aggrieves any man, and of all circumstances and other things that cause damage or prejudice to us and wrong or grievance to our people. And of every of those things which shall be so found by such inquests, that he certify us and our council in England without delay, under his seal and the seals of those so associated with him, and of those likewise by whom they shall have been made: we enjoining the said Justiciar that he take the said inquests every year in form aforesaid, and certify us thereof as aforesaid. Moreover we will, and in commanding ordain, that our said inferior officers (the greater officers being as aforesaid excepted), that is to say, each of them at the end of every year if need be, and also, when they shall be removed from their offices, forthwith after such their removals, before the aforesaid Justiciar and the other persons aforesaid to be associated with him, answer for their excesses and other matters aforesaid, as well at the suit of us as of our people, and of any private persons of the said people, and undergo justice according to the law and custom of our aforesaid land of Ireland; which we will and command to be done by our said Justiciar. And that the said Justiciar and the others associated with him, likewise certify us and our council in England, as often as need be, of the state of our said land and of our affairs there, and of the acts of the officers aforesaid.

Their proceedings to be certified to the King and council in England.

The inferior officers to answer before the Justiciar for their excesses.

XVIII. Also, although as well those English born in Ireland, as those born in England and dwelling in Ireland, are true English, and live under our dominion and government, and use the same laws, rights, and customs, yet divers dissensions and maintenances, by reason of race, between those that are natives of Ireland and those that are natives of England, have arisen and are made here and there, whence many evils have heretofore happened, and it is to be feared that greater will happen, unless a remedy be applied thereto;

The Justiciar of Ireland shall enquire of dissensions between natives of England and Irish of English extraction.

Punishment
of offenders.

we will and strictly command that our said Justiciar, calling unto him our Chancellor and Treasurer of Ireland, and certain prelates and earls whom he shall think fit to be summoned when they shall be in the neighbouring parts, earnestly inquire many times and often, as need may be, concerning such dissensions and maintenances when they arise, and of the names of those who make such dissensions and maintenances and take part therein, and punish and chastise the delinquents, when they shall be thereof convicted or found guilty, due process being observed, by imprisonment of their bodies and heavy ransoms to be made to us, and otherwise as justice requires; because such dissensions and maintenances tend but to produce, by some means or other, schism, divisions, and treasons among the people subject to us.

Frauds, &c.,
by farmers of
the clerkship
of the market
to be enquired
of and
punished, &c.

XIX. Also, whereas the farmers of the office of clerk of the market in Ireland, thirsting for their own private gains, do not execute the duty of the said office, according to the form of the statute thereof made, nor otherwise according to right; but commonly, for fines and other ransoms, do not view nor examine the measures and other instruments pertaining to that office, nor break the false nor seal the true, nor otherwise duly punish delinquents; and very often, when fines are made to us before them, and amercements belonging to us are inserted in their rolls and enrolled, do either cancel such fines and amercements to us belonging, by erasing the same from their rolls, for money or other gifts paid to them by the offenders, or make new written rolls wherein they write not these fines and amercements so cancelled, but put them wholly out, and the fines and amercements that are made and not enrolled, they remit, and other deceits, extortions, oppressions, grievances, and excesses, as well unto us as our people in those parts all over Ireland, they do, and the same and other the things aforesaid, have done, remitted, and perpetrated, in contempt and prejudice of us and to the manifest destruction and injury of the said people, and against justice and the form of the statute aforesaid: we will and strictly command that our Justiciar of Ireland for the time being, in every county and place through which he shall pass, associating with him a prelate of the place, and some earl or other nobleman or knight of the neighbourhood, make enquiry concerning the aforesaid deceits, extortions, oppressions, grievances, and excesses, and all the matters aforesaid by the said farmers howsoever committed, and of all their acts and doings in this behalf, as well at the suit of us as of any others whomsoever willing to complain thereof, as well for the time past as for the time to come; and proceed against them, and the contempts, deceits, extortions, oppressions, grievances, and excesses,

and other the matters aforesaid, hear and determine, and the delinquents and offenders when they shall be found such, punish and chastise, according to the law and custom of our land of Ireland before mentioned; and nevertheless distinctly and openly, from time to time, for good cause certify us and our council in England, of the names of those so offending, and the deceits, extortions, oppressions, and grievances and other matters aforesaid, under the seals of him the said Justiciar and of the others associated with him.

In witness whereof &c., Witness the King at Westminster, the Twenty-fifth day of October.

By the King himself and Council.

35 EDWARD III. A.D. 1360.

PRO CLERICIS DE NATIONE HIBERNICANA.¹

FOR CLERKS OF THE IRISH RACE.

The King to his Justiciar and Chancellor of Ireland, greeting. Whereas hearing lately by the constant relation of certain people, that divers losses and disadvantages have happened to us and our faithful subjects of the land of Ireland, by reason that mere Irish, as well clerks as laymen, enemies to us, were appointed ministers and officials in cities, burghs, towns, castles, and other places in the said land, and were preferred to canonries and prebends in cathedral churches within our lordship, and other ecclesiastical benefices among the English, we commanded you that you should cause to be publicly proclaimed in the cities, burghs, market-towns, and other places in each county of the said land, that no mere Irishman, being of the Irish race, should be made mayor, bailiff, janitor, or other official or officer in any place subject to us, nor that any archbishop, bishop, abbot, prior, or any other, being of our fealty, under forfeiture of all that he could forfeit to us, should by reason of relationship, affinity, or in any other way whatsoever, receive into a canonry or prefer or admit to any ecclesiastical benefice among the English, any mere Irishman being of Irish race, as is aforesaid, but that all benefices by whomsoever of them to be conferred should, when vacant, be conferred upon English clerks or others who are of our fealty and obedience in the said land. And whereas now, on behalf of the clerks of the Irish race who dwell among the English in the said land in our fealty and peace, prayer has been made to us by their petition before us and our council in our present Parliament exhibited, that whereas they, as mere Irish our enemies, although they are not such, have been excluded from ecclesiastical preferment within the said land in our lordship, by virtue of the said proclamation, we should be willing to consider their condition and constancy in continually and unswervingly abiding in our fealty, and to provide a remedy for them hereupon. And because it is not just, nor was it nor is it our intention, that clerks of the Irish race who have continually

The text, taken from Close Roll, Engl., 35 Edward III., m. 40, is printed in Rymer's *Fœdera*, Vol. III., part 2, p. 606, and in Frynne's *Animadversions* (1692), p. 296.

and unswervingly remained in fealty and obedience to us, as others of English race, and still so remain, and of whose character and good behaviour towards us and ours you shall have good information, should be reckoned as of the condition of our Irish enemies, or so excluded from their preferment; we command you that you do not in aught molest or oppress any such Irish clerks, our faithful subjects, on account of the receiving or accepting of ecclesiastical benefices which are within our lordship of the said land, or prelates or other patrons of the said benefices by reason of the presentation or admission of such clerks, our faithful subjects, to the same, nor allow them to be molested or oppressed by others our officers, so long as they behave themselves well and faithfully towards us and ours, as is aforesaid, the said proclamations or any mandates whatsoever to the contrary to you directed notwithstanding. Witness the King at Westminster the fourth day of March.

Irish clerks of approved loyalty not to be excluded from ecclesiastical benefices, &c.

By the King himself and by petition of Parliament.

35 EDWARD III. A.D. 1360.

[MEMORANDA ROLL OF THE EXCHEQUER, 34 & 35 EDWARD III.,
m. 14 f.]

Statutum.

EDWARDUS dei gr̃a Rex Angt Dñs Hibñ ⁊ Aquit. Justic Cancellar ⁊ Thẽs suis Hibñ qui nunc sunt vel qui p tempe erunt salim. Quia volum⁹ qđ ordinaçoēs p nos ⁊ consiliū nr̃m Angt fce in dca fra nra ⁊ sc̃cio nro Dublin teneant ⁊ obseruent ⁊ p totam fram p̃dcam publice pclament⁹ quaz ordinaçonum tenor subsequit⁹ in hec ṽba. Ordeigne est p nre seignr le Roi ⁊ son conseil pʳ meschefs ⁊ damages q̃ sourdent de ioʳ en autre en la fre Dirlande p les enemys Irreys ⁊ pʳ sauuer lestat du Roy en la dite fre q̃ le tresor le Roy issaunt des p̃fitz de la dite fre soit mientz gardez ⁊ emploie q̃ nad este fait deuaunt ces heures, ⁊ q̃ nuls regardes des Ministris ne des auʳs ne soient gʳantes a nully psone en Irlande sanz la p̃sence ⁊ assent de Chancellor ⁊ Tresorer q̃ s̃rout illoeqes pʳ le temps. Item q̃ les viscontes de mesme la fre ne soient faitz ne ordeignes si noun p eleccion des mientz vauex de chescun Countee cest assauoire p dusze ou vynt ⁊ qatre quelx deinent respoundre au Roy pʳ eulx ⁊ pʳ leur faitz ⁊ pʳ la resceyte de leur temps sicome deuaunt cez heures estoit vsez ne q̃ les custumers ne soient faitz ne remuez p pcurement de nully sil ne soit p Tresorer ⁊ Barons de leschequer selonc la forme de lestatut ent faite. Item p cause de diūsez damages ⁊ pdes q̃ le Roy ad encoru p fauses enquestes pris p lescheteour de la dite fre, ordeyne est q̃ lescheteour qore est illoeqes soit ouste, ⁊ q̃ chescune viscounte dedeinz sa baillie soit charge del office de eschetery a respoundre au Roi des issues de mesme

35 EDWARD III. A.D. 1360.

EDWARD by the grace of God, King of England, iord of Statute.

Ireland and Aquitaine, to his Justiciar, chancellor and treasurer of Ireland, who now are or who for the time shall be, greeting. Whereas it is our will that the ordinances by us and our council of England made, should be held and observed in our said land and in our Exchequer of Dublin, and through our entire land aforesaid should be publicly proclaimed, the tenor of which ordinances follows in these words :

It is ordained by our lord the King and his council, on account of the mischiefs and damages which from day to day arise in the land of Ireland through the Irish enemies, and to save the King's estate in the said land, that the King's treasure issuing from the profits of the said land be better kept and employed than has been done heretofore, and that no rewards of officers nor of others be granted to any person in Ireland, without the presence and assent of the chancellor and treasurer who for the time shall be there. I.
Profits of the
King's lands.

Also that the sheriffs of the said land be not made nor ordained except by election of the most worthy of each county, to wit, by twelve or twenty-four, who ought to answer to the King for them and for their acts and for the receipts of their time, as heretofore was used ; and that the customers be not made nor removed by the procurement of any person except it be by the treasurer and barons of the Exchequer, according to the form of the statute thereupon made. II.
Sheriffs to be
elected by
each county,
&c.

Also by reason of divers damages and losses which the King has incurred by false inquests taken by the escheator of the said land, it is ordained that the escheator who now is there be removed, and that every sheriff within his bailiwick be charged with the office of escheatorship, to answer to the King of the III.
Sheriffs to act
as escheators.

Lescheterie come ait este faict auant cez heures, et q̄ le
 Tresorer Dirlande q̄ p le temps s̄ra face enquire p lui ou p
 ses deputez deuant q̄ les viscountes soient receuz dacompte
 rendre del office del Escheterie si les enquestes de mesme
 loffic p eux prises soient duement faites p̄ le p̄fit le Roy ou
 nemie, et si trouue soit q̄ elles ne soient duement faites q̄ le dit
 Tresorer ou ses deputes enquergerent de nouel selonc ce q̄
 mieulx verront q̄ soit p̄ p̄fit du Roy. Item ordeigne est q̄
 nulles f̄res esteaunz en la maine du Roi p̄ dettes dues au Roi,
 ne nulles gardes ne mariages ne soient ḡntez cōmises ne
 leasetz a nully sil ne soit p̄ assent du Tresorer q̄ p̄ le temps
 s̄ra illoques, ne q̄ nulles acomptes de gages de guerre ne soient
 receus ne oiez p̄ bref dacompt̄ dicelles fors q̄ tantseulm̄t p le
 Clerk de gages a ce iurre, ne q̄ nule mañe de guerre soit pris
 ne cōmencie p les Justices saunz assent & aus du Chaunceller
 Tresorer & aus du conseil le Roi en celles pties. Item
 ordeigne est q̄ les Seneschaulx & Resceiuoʳs de les demeisne
 f̄res du Roi en la dite f̄re soient faites desore p lauis &
 ordinance du Chaunceller & Tresorer & aus du conseil le Roi,
 et en cas q̄ ceux q̄ sount ore Seneschaux & Receiuoʳs des ditz
 f̄res ne soient mie couenables ne suffisaunce soient saunz delaie
 oustes & aus mys en loʳ lieux p lauis & ordinance auant ditz.
 Item p̄ ce q̄ plusoʳs qount eu cōmission du ḡunt seal ou del
 Eschequer de Irlande ou en autre mañe de s̄uere & hastier la
 leue des dettes le Roy souentefoitz receyuent meismes les
 dettes ou ptie dicelles & p cause qen loʳ cōmission nest pas fait
 mencion de receyt des ascune deniers si nount il mye deuant
 ces heures acomptu a leschequer nailloʳs de loʳ receytez disauntz
 qils ne sount mie tenuz dacompter p loʳ cōmission de qei le

issues of the said escheatorship, as has been done heretofore ; and that the Treasurer of Ireland who for the time shall be, make inquiry by himself or by his deputies, before that the sheriffs be received to render account of the office of the escheatorship, whether the inquests of the said office by them taken be duly made for the King's profit or not, and if it be found that they are not duly made, that the said treasurer or his deputies inquire anew, according to that which seems to them best for the King's profit.

Also it is ordained that no lands being in the King's hands for debts due to the King, nor any wardships or marriages, be granted, committed or let to any person, unless it be by the assent of the treasurer who for the time shall be there, and that no accounts of war pay be received or heard by writ to account for the same, except only by the clerk of the [war] pay thereto sworn, and that no manner of war be undertaken or commenced by the justices without the assent and advice of the chancellor, treasurer, and others of the council of the King in those parts.

Inquests
made
as such.

IV.

As to letting
of lands in the
King's hands.

Accounts of
war pay.

No war with-
out consent
of the council.

Also it is ordained that the seneschals and receivers of the demesne lands of the King in the said land, be appointed from henceforth by the advice and ordinance of the chancellor and treasurer and others of the council of the King. And in case those who are now seneschals and receivers of the said lands be not fitting or sufficient, that they be removed without delay and others put into their places, by the advice and ordinance aforesaid.

V.

Appointment
of seneschals,
&c., of King's
lands.

Also forasmuch as many who have had commission of the great seal or of the Exchequer of Ireland, or in other manner to oversee and dispatch the levying of the King's debts, oftentimes receive the said debts or part thereof, and because that in their commission there is not mention made of the receipt of any moneys, therefore they have not heretofore accounted at the Exchequer or elsewhere for their receipts, saying that they are not bound by their commission to account, whereby the

VI.

Accounts of
levying the
King's debts
to be rendered
at the
Exchequer.

Roy ad eu g^{unt} pde & damage en temps passe & plus ena^{la} de io^r en autre, si ent remedie ne soit fait, p quei ordeigne est p^r tiel pde & damage escheure q̄ toutz ceux qont ou ou a^{ps} ces heures a^lount tiels cōmissiouns de fueer & hastier la leuee des dettes le Roi rendent accompte a Leschequer de Dyuelyn des deniers & autres choses du Roy p eux receuz & a recevoir & as dites acomptes rendre soient p le Tresorer & Barons del eschequer p pcesse de mesme Leschequer compuls & destreintz en la plus redde ma^{lle} come hōme poet resonablement sils ne voillent venir de gree nient contreesteaunt q̄ lo^r cōmissiouns ne facent mencion de nult receyt^e. Item p^r ce q̄ les viscontes s^r le rendre de lo^r acomptes a Leschequer se excusent souent de rendre lo^r acomptes p cause q̄ ceux qount les g^{antz} fiancies as queux les ret^{nes} des maundementz & pceptz le Roy sont p les viscontes li^{des}, ne sont mie a celle temps pstez p^r auower lo^r ret^{nes}, & issint sont les dettes le Roi en^{de}faute des ditz fiantz g^{nt}ement delaiez dont le Roy ad encoru g^{nt} damage p celle cause, si est ordeigne q̄ tous ceux q̄ tiennent tielx fiancies en fee ou en autre ma^{lle} soient artez & destreintz destre s^r lacompte des viscontes p^r auower lo^r ret^{nes}. Et sils ne veignent mie a io^r a eux s^r ce done tout eient il dont estre destreintz ou neient point, soient les fiancies pris en la main le Roy & ceux q̄ les tenoient ent oustez de tout, & soient mesmes les fiancies issint prises en la main le Roy baillez as au^{ls} fiantz couenables & suffisauntz p lauis & descrecion du Chancellor, Tresorer & Barons del Eschequer. Et ideo vobis & cuilibet v^{rm} iniungim⁹ & mandam⁹ q̄d omes ordina^{co}es p^{dc}as in tra n^{ra} p^{dc}a in locis vbi expedire videritis, tam infra lib^{rt}ates q^{am} extra publice p^{cl}amari & in eadem tra ac d^{co}

King has had great loss and damage in time past, and will have more daily, if remedy be not made therein. Wherefore, to avoid such loss and damage, it is ordained that all those who have had or hereafter shall have such commissions to oversee and despatch the levying of the King's debts, render account at the Exchequer of Dublin of the moneys and other matters of the King by them received and to be received, and be compelled and distrained to render the said accounts, by the treasurer and barons of the Exchequer, by process of the said Exchequer, in the most speedy manner that they reasonably can, if they will not come of their own accord, notwithstanding that their commissions do not make mention of any receipts.

Also whereas the sheriffs, upon the rendering of their accounts at the Exchequer, often excuse themselves from rendering their accounts by reason that those who have great serjeanties, to whom the returns of the King's mandates and precepts are delivered by the sheriffs, are not at that time ready to avow their returns, and so by default of the said serjeants, the King's debts are greatly delayed, whereby the King has incurred great damage from this cause. Therefore it is ordained that all those who hold such serjeanties in fee or in any other manner be compelled and distrained to attend upon the account of the sheriffs, to avow their returns. And if they do not come upon the day to them thereupon given, whether they have whereof to be distrained or not, that the serjeanties be taken into the King's hand, and those who held them be entirely removed therefrom for ever, and that the said serjeanties so taken into the King's hand, be committed to other serjeants fitting and sufficient, by the advice and discretion of the chancellor, treasurer, and barons of the Exchequer.

VII.

Holders of
great ser-
jeanties to
attend on
sheriffs'
accounts.

And therefore we enjoin and command you and every of you, that you cause all the aforesaid ordinances in our land aforesaid, in the places where it shall seem best, as well within liberties as without, publicly to be proclaimed, and in the said

sc̃cio Dubliũ firmi⁹ teneri ⁊ obsuari ⁊ in rotul̃ ejusdem sc̃cii
irrotulari, ⁊ vos ꝑfate The^s ꝑsentes tras in dco sc̃cio salvo
custodiri fa^ç. In cui⁹ rei testimoniũ has tras ñras fieri fecim⁹
patentes. T^o me iꝑo apud Westm̃ quarto die Marcii anno r̃ ñ
tricesimo quinto.

p iꝑm Reġ.

land and in the said Exchequer of Dublin firmly to be held and observed, and in the rolls of the said Exchequer to be enrolled, and that you the aforesaid Treasurer, cause these present letters in the said Exchequer safely to be kept. In witness whereof we have caused these our letters to be made patent. Witness myself at Westminster, the fourth day of March, in the thirty-fifth year of our reign,

By the King himself.

40 EDWARD III. A.D. 1366.

[CAREW MS. 603, fol. 165-172—LIBRARY, LAMBETH PALACE.]¹

The statute of killkenny enacted att a parliament held under
Lionell Duke of Clarence sôn to kinge Ed : 3 : in
año

COME a la conquest de la terre dirland & long temps
apres les Engleis de la dit terre vserent la lang
morture² & vesture Engleis & furent governez et reulez et
lo^r subgits appelez Betaghez p la lei Engleis en quel temps
Dieu et st. Eglise et lo^r franchises solonc lo^r condicions
tenuz en subiection et ore plusors Engleis de la dit terre
gueppissant la lang gis monture leys et vsages Engleis vyuent
et se governem^t as maners guise et lang des Irrois enemies et
auxiant oût fait diûs mariages & aliaunces enter eux et les
Irroies enemyes au^{unt}ditz dont la dit terre et le lieg people
de icelle la lang Engloies ligeance a ñre seigno^r le Roy due et
lez leis Engleis illoeq^m sont mis en subiection & retretz & les
enemyes Irroies enhanser & releuez encontre reson : ñre f^{or} le
Roy considerantz les mischief^e suisditz p^r les grevouses
pleintz des cões de sa dit terre appellez a son pliam^t tenus a
Kilkenny le Joesdy pschin aprez le feste de Cendres lan de son
roialme quarantisre³ devant son f^{ame}⁴ fitz Leonell Duc de
Clarence son Lienten^{ant} es pties dirland al honore de dieu et
de sa gloriose meere & de saint Eglise et p^r la bone
governem^t de la dit terre et quiete du people et p^r les leies
mult garder et lez meffessours chastier si sont ordinez et
establiez p ñre dit f^{or} le Roy et son dit lieutenant et le
Counseil ñre seigno^r le Roy illoeques del assent des
Ercevesq^m Evesques Abbez et Pio^m en ce q^e apptient a eux
de assente^r Comitez Barouns & aut^s cões de la dit terre a dit

¹ This transcript of the Statute has been collated with Lambeth MS. 608, fol. 1-8, and with Titus B. XI., fol. 129, Brit. Mus.

² *monture* in MS. in B. Mus.

³ *Lan quarantieme de son Reigne* in MS. B. Mus.

⁴ *tres aime* in MS. B. Mus.

40 EDWARD III. A.D. 1366.

THE STATUTES OF KILKENNY.

WHEREAS at the conquest of the land of Ireland, and for a long time after, the English of the said land used the English language, mode of riding and apparel, and were governed and ruled, and their subjects called Betaghies, by the English law, in which time God and Holy Church, and their franchises according to their conditions were maintained [and themselves lived] in subjection ; but now many English of the said land forsaking the English language, fashion, mode of riding, laws and usages, live and govern themselves according to the manners, fashion, and language of the Irish enemies ; and also have made divers marriages and alliances between themselves and the Irish enemies aforesaid ; whereby the said land and the liege people thereof, the English language, the allegiance due to our lord the King, and the English laws there, are put in subjection and decayed, and the Irish enemies exalted and raised up, contrary to right ; our lord the King considering the mischiefs aforesaid, in consequence of the grievous complaints of the commons of his said land, summoned to his Parliament held at Kilkenny, the Thursday next after Ash Wednesday, in the fortieth year of his reign, [18 Feb. 1366] before his well-beloved son Lionel Duke of Clarence, his lieutenant in the parts of Ireland, to the honour of God and of his glorious Mother, and of Holy Church, and for the good government of the said land, and quiet of the people, and for the better observance of the laws, and punishment of evil doers, there are ordained and established by our said lord the King, and his said lieutenant, and our lord the King's council there, with the assent of the archbishops, bishops, abbots, and priors (in that which appertains to them to assent to), the earls, barons, and others the commons of the said land

plem^t illoeq^m esceant^e ⁊ assemblez les ordinaūcez et articles desouth escriptz a tener et garder ppetuelment sur lez peynes contenus en ycelles.

1. Primerment ordine accorde est et estable q^e seint Eglise soit franc et eit toutz ses franchises sauns emblemisement solonc le fraūchises ordines ⁊ grauntz p ñre f^{or} le Roy ou ses pgenito^m p estatut ou ordinaunce fait en Anglitterre ou en Ireland au^{nt} ses heures ⁊ si ascun q^e dieu defend veigne al encontre ⁊ p le ordinare de lieu p celle cause soit escoinge issint qⁱ si gree ne soit fait a Dieu et seint Eglise p la ptie issint escoinge dedeins le mois aprez tiel escoingement q^e adonq^m apres certification s^r ceo fait p le dit ordinare en la Chauncellere soit b^{re}¹ maunde a viscont maier seneschall de fraūchise ou altre ministres n^{re} seigno^r le Roy de prendre son corpus et tenier en pⁱson sanz luy mistre² p mainpris ou enbaile tanq^e gree soit fait a Dieu et seint Eglise nient contristant q^e les quarant io^m ne soit passez et q^e nul phibicion de la Chaunc^e soit desormes graunte a nulluy suit encontre la fraunchise de seint Eglise salvantz toutz foitz le droit ñre seigno^r le Roy ⁊ de sa coroner³ issint q^e les fraūchises de seint Eglise ne soit eñuez ou emblemis et in case q^e p suggestion de ptie phibicion soit graunte q^e tantost monstra p le ordiner le article de la fraunchise en la chauncellerie consultacion ent a luy saⁿz delay soit graunte.

2. Item ordine est et estable q^e nul alliance p mariadge compaⁿitee nurtur de enfantz concubinaūce ou de caif^t ne de altre manere desormes soit fait pentre Engloyes et Irroies de vn ptee ne de altre pte. Et q^e nul home Engleys ne alfe psone a la pees esceant ne donne ne vende a nully Irroies en temps de pees ne de guerre chivavx ne Armo^r ne mañ de vittaile en temps de guerre. Et si ascun veigne al encontre et de ceo soit Atteint eit Judgement de vie et de membre cōs traito^r ñre f^{or} le Roy.

¹ *incontinent* inserted here in MS. B. Mus.

² *corone* in MS. B. Mus..

³ *mettre* in the other MSS.
From Gaelic *cauma*.

at the said parliament there being and assembled, the ordinances and articles under written, to be held and kept perpetually upon the penalties contained therein.

Firstly, it is ordained, agreed, and established, that Holy Church be free, and have all her franchises without infringement, according to the franchises ordained and granted by our lord the King, or his progenitors, by statute or ordinance heretofore made in England or in Ireland; and if any (which God forbid) do to the contrary, and be excommunicated by the Ordinary of the place for that cause, so that if satisfaction be not made to God and Holy Church by the party so excommunicated, within the month after such excommunication, that then, after certification thereon made by the said Ordinary, into the Chancery, a writ be sent to the sheriff, mayor, seneschal of franchise, or other officers of our lord the King, to take his body, and keep him in prison without letting him out by mainprise or bail, until satisfaction be made to God and Holy Church, notwithstanding that the forty days be not passed: and that no prohibition of the Chancery be henceforth granted at the suit of any against the franchise of Holy Church; saving always the right of our lord the King and of his crown, so that the franchises of Holy Church be not diminished or infringed; and in case that by suggestion of the party, prohibition be granted, that as soon as the article of the franchise shall be shown by the Ordinary in the Chancery, consultation thereupon be granted to him without delay.

1.
Freedom of
Holy Church.

Satisfaction
by the
excommuni-
cated.

In default,
imprison-
ment.

No prohibi-
tion out of
Chancery.

Saving the
King's right.

Suggestion.

Consultation.

Also it is ordained and established, that no alliance by marriage, gossipred, fostering of children, concubinage or by amour, or in any other manner, be henceforth made between the English and Irish on the one side or on the other. And that no Englishman, or other person, being at peace, give or sell to any Irish, in time of peace or war, horses or armour, or any manner of victuals in time of war. And if any do to the contrary, and thereof be attaint, that he have judgment of life and limb, as a traitor to our lord the King.

II.
No alliance by
marriage, &c.,
between Eng-
lish and Irish,
&c.

3. Item ordine est ⁊ estable q^e chescun Engleys vse la lang Englies et soit nome p nome Engleys enterlessant oulterm^t la manere de nomie use p Irroies et q^e chescun Engleys vse la manere guise monture et appeill Engleis solonc son estat ⁊ si nul Engleys ou Irroies confúsant entre Engleys use la lang Irroies entre eux-mesmes encontre ceste ordinance ⁊ de ceo soit atteint soient sez terres ⁊ Teñtz¹ sil eit seisis en les maines son f^{or} immediate tanq^e qⁿ veigne a vn des places nre f^{or} le Roy et trove sufficient seurtee de pñdre et vser la lang Engleis ⁊ adonq^m eit restitution de sez ditz terres p bñe aissir hors de la dit placee en cas q^e tiel pson niet terres ne Teñtz² soit son corps pris p ascuns de ministres nre f^{or} le Roy et maunde a la proschin gaole illoeq^m a dem^rer tang^e qⁿ ou autre en son nome trove sufficient seurtee en la manere suisdñce. Et q^e nul Engleis q^m a la value de c³ des terres ou *Tenem*⁴ ou de rent p anch mache⁵ autrement q^e en seale en guyse de Engleis ⁊ celluy q^e fera le contraere ⁊ de ceo soit atteint soit son chivall forfait a nre seign^r le Roy ⁊ son corpus a la p¹son tanq^e qⁿ face fine a la volente de Roy p le contempt suisdit et auxiant q^e les bñficers de saint Eglise confúsantz entre Engleis vse la langue Engleis ⁊ silz ne facient eient lo^r ordinaries les issues de lo^r bñfic^r tanq^e ilz vsent la lang Engleis en le manere suisdit et eient respit de la lang Engleis apprendre et de selles pñeier entre cy et le feste de saint Michell pschin auen^r.

4. Item p^r ceo q^e diñsitie de governaunce de⁶ diñse leis en vne terre fait diñsitie de ligeance et debat^r entre le people, accorde est et establi q^e nul Engleis eiant debates ou autre Engleis desormes face namer ne pñgne gadge destresse ne vengeance s^r aut^r dount le people p^ra estre trouble mes

¹ *Rentes* in MS. B. Mus.

² *Rentes* in MS. B. Mus.

³ *c^h* in the other MSS.

⁴ These words not in MS. B. Mus.

⁵ *an chavauche* in the other MSS.

⁶ *et* in the other MSS.

Also, it is ordained and established, that every Englishman use the English language, and be named by an English name, leaving off entirely the manner of naming used by the Irish; and that every Englishman use the English custom, fashion, mode of riding and apparel, according to his estate; and if any English, or Irish living amongst the English, use the Irish language amongst themselves, contrary to this ordinance, and thereof be attaint, that his lands and tenements, if he have any, be seized into the hands of his immediate lord, until he come to one of the Places of our lord the King, and find sufficient surety to adopt and use the English language, and then that he have restitution of his said lands, by writ to issue out of the said Place. In case that such person have not lands or tenements, that his body be taken by some of the officers of our lord the King, and committed to the next gaol, there to remain until he, or another in his name, find sufficient surety in the manner aforesaid. And that no Englishman who has to the value of one hundred shillings of lands or tenements, or of rent by the year, ride otherwise than on a saddle in the English fashion, and he that shall do the contrary and be thereof attaint, that his horse be forfeited to our lord the King, and his body committed to prison, until he make fine according to the King's pleasure, for the contempt aforesaid. And also, that beneficed persons of Holy Church, living amongst the English, use the English language; and if they do not, that their Ordinaries have the issues of their benefices until they use the English language in the manner aforesaid; and that they have respite in order to learn the English language, and to provide saddles, between this and the feast of Saint Michael next coming.

III.
English to use the English language and names, mode of riding, and apparel.

Penalty of disobedience.

Also, whereas diversity of government and divers laws in one land cause diversity of allegiance and disputes among the people, it is agreed and established, that no English having disputes with other English, henceforth make distraint or take pledge, distress or vengeance against any other, whereby the people may be troubled, but that they sue each

IV.
The common law to be used by the English, and not the Brehon or the March law.

suyent vers autres a la cõe lei et q^e nul Engleis soit reule en diffinition de l^{or} debat^e p lei de M^{ar}che ne de Breon q^e p reason ne doit estre nome lei eins malueis custume mez soient reulez come droit est p cõe lei de la terre come les liges n^{re} f^{or} le Roy et si ascuns face a le encountre & de ceo soit atteint soit pris et enp^{is}one & Iugge come Traito^r & q^e nul dis^{is}tie de ligeance desormes soit fait entre lez Engleis nees en Ireland et les Engleis nees en Engleterre appellantz Englishobbe ou Irishdogg mes toutz soient appelez p vn noim les Engleis liges n^{re} f^{or} le Roy & celluy q^e s^{ra} trove alencountre soit puny p imp^{is}onm^t dun an et puis reint al a volunte du Roy & p ceste ordinance il nest lentent n^{re} f^{or} le Roy q^u list a chescun q^u purra prendre destresse p^r s^vices & Rentz a eux duez & p^r damadge fossant come la cõe ley demaunde.

5. Item p^r ceo q^e la lieg people n^{re} f^{or} le Roy de sa f^re dirland ne les guerres de mesme la terre ne p^ront resonablem^t estre governez saunz resonablement orden^r la vent des vittails, ordeine est et establee q^e m^{ch}aundizes q^e sont venus ou vendront a la d^{ce} terre p q^uconqs merchantz a q^u port ville ou Citie q^u arryuerent q^e au^{nt} ceo q^e lez ditz marchandises soient mys a vent q^e le maire suffreyn Bailly ou autre ministre q^e eit la garde de le lieu ou lez ditz m^{ch}aundises s^rront venduz facent ven^r deu^{nt} eux deux de les plus prodes homes & sufficeantz de mesme le lieu q^e ne mellent riens de teux marchandises & le dit maier seneschall suffreyn ou Bailly ove les ditz deux p^{so}nes facent vener deu^{nt} eux les merchauntz a quex les ditz m^{ch}aundises sont & les mariners & soient iurretz de loialm^t dire et mustrer de^l fiere de le primer acat de lez ditz m^{ch}aundises & des costages s^r ycells tanq^e a porte et s^r ceo p lez ditz maire Seneschall Bailly ou Prouost et lez deux prodes homes au^{nt} ditz soit resonable pris mis s^r les ditz

other at the common law, and that no English be governed in the settlement of their disputes by March or Brehon law, which by right ought not to be called law, but bad custom ; but that they be governed, as right is, by the common law of the land, as the lieges of our lord the King ; and if any do to the contrary, and thereof be attaint, that he be taken and imprisoned, and adjudged as a traitor. And that no difference of allegiance henceforth be made between the English born in Ireland, and the English born in England, by calling them English hobbe, or Irish dog, but that all be called by one name, the English lieges of our lord the King, and that he who shall be found doing to the contrary be punished by imprisonment for a year, and afterwards fined, at the King's will ; and by this ordinance it is not the intention of our lord the King but that it may be lawful for any one who can, to take distress for services and rents due to them, and for damage feasant, as the common law requires.

No difference
between
English born
in Ireland
and those
born in
England.

Also, whereas the liege people of our lord the King, of his land of Ireland, or the wars of the same land, cannot reasonably be controlled, unless the sale of victuals be reasonably regulated, it is ordained and established as to the merchandises which have come, or shall come, to the said land by whatsoever merchants, at whatever port, town or city they shall arrive, that before the said merchandises be put up to sale, the mayor, sovereign, bailiff, or other officer who has the ward of the place where the said merchandises shall be sold, cause to come before them two of the most discreet and sufficient men of the said place, who meddle not in such merchandises, and that the said mayor, seneschal, sovereign or bailiff, with the said two persons, cause to come before them the merchants to whom the said merchandises belong, and the sailors, and that they be sworn lawfully to tell and show the amount of the prime cost of the said merchandises, and of the costs on the same to the port, and thereupon that a reasonable price be put upon the said merchandises by the said mayor, seneschal, bailiff or provost, and by the two discreet men aforesaid, without showing favour,

v.

Mode of fixing
prices of
merchandise.

merchandises saunz favo^r faire come illz p^rroit alvouer den^{nt} le Counseill n^re f^{ior} le Roy celles pties ⁊ a tieux prises soit venduz sauns pluis prendre s^r forfait^r de ycelles coment q^e les ditz merchaundises illoeq^m deveigim^t a chars apres.

6. Item p^r ceo q^e terre qest in guerre bussoigne q^e chescun sa face able p^r soy defende ordeigne est et estable q^e les cōes de la dit terre dirland qest en diūse m^aches de guerre ne vsent de sormes les Jues q^e home appelle horling^e oue graundz bastons a pillot s^r la terre dont graundes males et maymes sont auenuz en enfeblement de la defense de la dit terre ⁊ altres Jues q^e home appelle Coiting^e einz se afforcent ⁊ adressent de vseer ⁊ treer¹ lez ark^e ⁊ gettyr les launces et altres gentiles Juyes q^e aptinent as armes dont les Irroies enemyes p^r lez liges cōes celles pties puissent le meoltz estre arrestus. Et si auscun face ou vse le contrarie ⁊ de ceo soit atteint, soit pris et enprison et reint a la volunte n^re f^{or} le Roy.

7. Item p^r ceo q^e p^r conspiracies confedracies compties² mainteñes de quarell falx Jurro^m receyvo^m³ dampptes⁴ en quarelles les liges cōes de la dōe terre en p^rsuit en lo^r droitz sount mult disturbez grevez et disheritz⁵, ordine est et estable q^e de ceux soit fait en chescun Countie p^r les Justic^e a tener le plees en le chief place diligent inquisition et de lo^r mainteyno^m ⁊ soit duhe ⁊ redde execution fait diūs eux q^e ent s^rroit atteintz solonc la forme de lestatut ent fait en Engleterre saunz fine ou redemption de eux prendre q^e altres p^r tiel redemption suent abbaiz desyorible⁶ chose ou grevaunce de les ditz liges cōes encontre ley faire ou mainteyn^r. Et q^e s^r ceo le Ercevesq^m Evesques de la dit terre chescun dedeinz sa dioç eient lez tres Patent^e n^re f^{ior} le Roy de la Chaunc^e dirland denquerer des articles au^{nt}ditz q^aunt lo^r plerra. Et s^r ceo

¹ tirer in MS. B. Mus.

² champerties in MS. B. Mus.

³ Restemomours in MS. B. Mus.

⁴ This word not in MS. B. Mus.

⁵ These words not in MS. B. Mus.

⁶ de si horrible.

as they may be able to avow before our lord the King's council of those parts; and that they be sold at such prices, without taking more, upon forfeiture of the same, although the said merchandises should there become at charge afterwards.

Also, whereas a land, which is at war, requires that every person do render himself able to defend himself, it is ordained and established, that the commons of the said land of Ireland, who are in divers marches of war, use not henceforth the games which men call hurlings, with great clubs at ball upon the ground, from which great evils and maims have arisen, to the weakening of the defence of the said land, and other games which men call coitings, but that they apply and accustom themselves to use and draw bows and throw lances, and other gentle games which appertain to arms, whereby the Irish enemies may be the better checked by the liege commons of these parts; and if any do or practice the contrary, and of this be attaint, that he be taken and imprisoned, and fined at the will of our lord the King.

VI.
Hurlings
abolished;
use of bows
and lances to
be encouraged.

Also, whereas by conspiracies, confederacies, champerties, maintainers of suits, false swearers, receivers of damages in suits, the liege commons of the said land in pursuit of their rights are much disturbed, aggrieved and disherited; it is ordained and established, that diligent inquiry be made of those in every county by the Justices for holding pleas in the Chief Place, and of their maintainers, and that due and expeditious execution be made against those who shall be attainted thereof, according to the form of the statute in this respect made in England, without taking fine or redemption of them; that others, by such redemption, may be deterred from doing or maintaining so horrible a thing, or injury of the said liege commons, contrary to law. And that thereupon, the archbishops and bishops of the said land, each within his diocese, have letters patent of our lord the King, out of the Chancery of Ireland, to inquire of the articles aforesaid, when it shall please them. And, thereupon, according to the law of Holy Church,

VII.
Punishment
of champertors, maintainers, false swearers, &c.

solonc la lei de saint Eglise proceder diûs eux p les censurs
 & de certifier en la dit Chaunc les nomis q^e s'oût deu^{ant} eux
 ent troves coupables issint q^e ñre seigno^r le Roy al hon^r de
 dieu et de Saint Eglise governaunce de ses leys & salvacion
 de son dit people p^ra ent faire duhe punishm^t.¹

8. Item p^r ceo q^e de droit lay psone ne soi doit meller
 de dismes ou aucun bien espirituell encontre la volunte de
 Governo^r del Eglise a q^e les dismes ou ceux choses espirituellz
 appntinent ordine est et estable q^e nul home graunde ne petît
 ne se melle ne preigne p vent ne en aultre manere dismes
 appten^{ant}z a saint Eglise ou religion p extorcion ou manace
 ne a meyndre price q^l p^ra vendre a aultre encontre la volonte
 celluy a qⁱ lez ditz dismes apptenent et celluy que face
 alencontre & de ceo soit atteint face restitution a celluy q^e eit²
 s^ra greve & si voet pleindre³ de la double de la dit pris et puis
 soit reint a la volunte du Roy.

9. Item p^r ceo q^e disobesance a dien et saint Eglise & mis
 hors de comunyon de xpïenz ne pōont ne doyuent de droit
 estre receuez a grace ñre f^{or} le Roy, ou a comunion de ses
 ministres, Ordine est & estable q^e qu^{ant} les Erchevesq^e
 Evesques et altres prelates de saint Eglise ount escomeng
 entredice ou fulmyne⁴ leurs censures de saint Eglise du ascun
 pson Englyes ou Irrois p reasonable cause a la request ñre
 seigno^r le Roy ou de lo^r office ou a suit de ptie q^e apres q^e la
 notificaçō de ceux censures veigne a ñre f^{oir} le Roy ou a ses
 ministres q^e celles psones s^r les pointz p^r ceux ilz sunt excomgez
 ne soient receux a la grace ñre dit f^{ior} le Roy ne a comunion
 ou daliance de ses ministres ne in mainten^{ance} de nulle de lieg
 people en lo^r erro^r tanq^l eient fait gree a dieu et saint
 Eglise et soient restitue come la ley de saint Eglise demaund,

¹ The last five words do not occur in the MS. B. Mus., but there are added the words—"de la double de lad pris et puis sil soit reyne a la volonte du Roy."

² *qui en* in MS. B. Mus.

³ *prendre* in MS. B. Mus.

⁴ *futine* in MS. B. Mus.

to proceed against them by censures, and to certify into the said Chancery the names that shall be before them found guilty thereof, so that our lord the King, to the honour of God and Holy Church, the government of his laws, and preservation of his said people, may inflict due punishment for the same.

Also, whereas, of right, no lay person ought to meddle with tithes or any spiritual goods, against the will of the governors of the Church, to which the tithes or such spiritual things belong, it is ordained and established, that no man, great or small, interfere with or take by sale, or in any other manner, tithes appertaining to Holy Church or religion, by extortion or menace, or at a less price than that at which they may be sold to another, against the will of him to whom the said tithes belong, and that he who does to the contrary and be thereof attaint, make restitution to him who shall be aggrieved, and if he will complain, of double the said price, and afterwards be fined at the King's pleasure.

VIII.

As to sale
of tithes.

Also, whereas [persons guilty of] disobedience to God and Holy Church, and put out of the communion of Christians, cannot, nor ought of right to be received into the grace of our lord the King, or to the communion of his officers, it is ordained and established, that when the archbishops, bishops, and other prelates of Holy Church, have excommunicated, interdicted, or fulminated their censures of Holy Church against any person, English or Irish, for reasonable cause, at the request of our lord the King, or in right of their office, or at suit of a party, that after the notification of those censures come to our lord the King, or to his officers, such persons, upon the points for which they are excommunicated, be not received into the grace of our said lord the King, or into communion or intercourse with his officers, or in maintenance in their error by any of the liege people, until they have made satisfaction to God and Holy Church, and be restored, as the law of Holy Church requires ; and if a maintainer of such excommuni-

IX.

Excommuni-
cated persons
not to be
countenanced
by the King
or his officers.

et si mainteno^r de tiel pson excomge soit trove et atteint encontre lordinance au^{nt}tditz soit pris et enp^{son} et reint a la volonte le Roy.

10. Item p^r ceo q^e diverses guerres au^{nt} cez heures ont estez souent comencez et nient continuez ne mesnes a bone fyne einz de ptie pnantz dez enemyes a lo^r deptir petyt dauoir dont lez ditz enemyes furrount et sont de pluis hardiez de renoueler la guerre, Accorde est et establee q^e guerre q^e s^ra comencee aprez ceo¹ heures soit p^{is} p le conseil n^{re} seigno^r le Roy p auisem^t de f^{lor} cōes et mchises del countee² ou la guerre sourdera et contynue et finz p lo^r advise et conseil iassint q^e les Irroies enemyes ne soient receuz a la pees tanq^q soit finablem^t destruit ou face restitution entierment de les costage et mises dispenduz s^r cel guerre p sa defaute et rebellicee et repaire a eux p q^e ou qux lez ditz misez et costages furront faitz et outre facent fyn p^r le contempt a la volonte le Roy, et en cas q^e hostages soient pris et dones a n^{re} f^{lor} le Roy ou a ses ministres p^r la pees tenir p ascuns de Irroies q^e sils renouelent la guerre en contre la forme de lo^r pees q^e execution de lo^r ditz hostages sauns delay ou fayutise soit fait solonc les auncient vsage de la d^{ce} terre en tiel case vse.

11. Item p^r mult de la pees maynten^r et droit faire sibn as Irroies enemyes esceantz a la peez come as Engleis Ordine est et establee q^e si null Irroies a la peez esseant p cheuesance ou acate de marchandize ou en altre maner deveigne debto^r a Engleis ou Irroies esceant a la pees q^e p cel cause nul altre person Irroies ou luy south luy ou en sa subiection ne sez biens soient arrestuz ne achatez³ p^r tiel dette sil ne soit plegg p^r mesme le dette mez soit son recoveryr vers la principall deto^r come la ley demaunde et soit tⁿ avise de bailer⁴ ses mchandises a tiel pson ou il⁵ puisse avoir recovery.

¹ ceux in MS. B. Mus.

² de la contr; MS. B. Mus

³ for attachez.

⁴ doner in MS. B. Mus. .

⁵ qui in MS. B. Mus.

cated person be found and attainted contrary to the ordinance aforesaid, that he be taken and imprisoned, and fined at the King's will.

Also, whereas divers wars have often heretofore been commenced, and not continued, or brought to a good termination, but by the party taking from the enemies at their departure a small tribute, whereby the said enemies were and are the more emboldened to renew the war ; it is agreed and established, that war which shall be commenced hereafter, be undertaken by the council of our lord the King, by the advice of the lords, commons, and marchers of the county where the war shall arise, and be continued, and finished, by their advice and counsel ; so that the Irish enemies be not admitted to peace, until they be finally destroyed, or make restitution fully of the costs and charges expended upon that war by their default and rebellion, and make reparation to those by whom the said charges and costs were incurred, and moreover, make fine for the contempt at the King's will. And in case that hostages be taken and given to our lord the King, or to his officers, for keeping the peace, by any of the Irish, that, if they renew the war contrary to the form of their peace, execution of their said hostages be made without delay or favour, according to the ancient customs of the said land in such case used.

X.

War only to be undertaken by the King's council with advice of the lords, &c.

Hostages.

Also for the better maintaining of the peace and doing right, as well to the Irish enemies being at peace as to the English, it is ordained and established, that if any Irish, being at peace, by bargain or purchase of merchandise, or in any other manner, become debtor to English or Irish, being at peace, that for such cause no other Irish person with him, under him, or in subjection to him, or his goods, be seized or attached for such debt, if he be not pledge for the same debt ; but that his recovery be against the principal debtor, as the law requires, and be he well advised to give his merchandises to such person as he can have recovery from.

XI.

Remedy for debt against principal debtor, not against any Irish belonging to him.

12. Item ordeyne est & establee q^e en chescū pees de sore enau^{nt} entre ñre f^{or} le Roy et sez liges Engleis dun pte & les Irrois daultre pte en chescū m^{ar}che de la terre soit compris le point q^{nsuynt} cestascavoir q^e nul Irroies pasture ne mayneauyre s^r les terres as Engleis ou Irroies esceantz a la pees encountre le gree dez fïors des ditz terres & silz facent, q^l list as ditz fïors a mener ove eux en lo^r ponde^l lez ditz bestes issint² pasturaunce ou manuraunce lo^r ditz terres en nou^l de destresse p^r lo^r rent et lo^r damadge issint q^e les bestes ne soient deptiez ne despoillez come au^{nt} ses heoures ad este fait mez soient tenuz entiere come illz fuerent p^{ises} a deliverer a la pte en cas q^l veigne de faire gree as f^{ors} dez ditz terres resonablement solonc lo^r demande et en cas q^e ascun depte ou dispoille lez bestes issint² p^{ises} soit puny come robeo^r & debruso^r de la peez ñre f^{or} le Roy, et si ascun Irroies Leue p force a la rescous de ceux resonables p^{ises} q^e list as ditz Engleis ses mesmes eider a fort mayn saunz estre empeche en la Co^rt ñre f^{or} le Roy p celle cause & q^e nul Engleis ne p^{igne} nul distresse s^r ascun Irroies de nul pte entre cy et la feste de St. Michell pschin auen^r issint q^e lez Irroies de chescū pte en le mesme temps p^rront estre gāniz.

13. Item ordine est q^e nul Irroies del nacions de Irroies soit admis en nul esglise Cathedrall ne Colligeall p p^{vision}, collation ou p^{sentacion} de q^{cūq} psone ne a nul bⁿfice de Saint Esglise deinz les Engleiz de la terre et si ascun soit admiz instituit ou enduct en tiel bⁿfice, [soit tenuz p^r nul & eit le Roy a celle voidance de mesme le bⁿfice sa p^{sentacion} a q^{cūq} pson lauewoson de tiel bⁿfice apptient]⁴ sauaut lo^r droit a p^rsenter ou faire collacion a mesme la bⁿfice qu^{nt} ele voidra autrefoitz.

14. Item accorde⁵ est & establee q^e nul maison de Religion q^eest assiz entre Engleis soit il exempt ou noun desormes resceue nul home Irroies « lo^r p^{fession} mes resceuent gentes Engleis saunz auoir considera^{on} les queux ilz soient

¹ ou leur prendre in MS. B. Mus.

² qui sont in MS. B. Mus.

³ et establee inserted here in MS. B. Mus.

⁴ This sentence not in MS. B. Mus.

⁵ ordone in MS. B. Mus.

Also, it is ordained and established, that in every peace henceforth to be made, between our lord the King and his English lieges of the one part, and the Irish of the other part, in every march of the land, there be comprised the point which follows, that is to say, that no Irish pasture or occupy upon the lands belonging to English or Irish being at peace, against the will of the lords of the said lands ; and if they so do, that it be lawful for the said lords to lead with them to their pound the said beasts so feeding or occupying their said lands, by way of distress for their rent and their damages ; so that the beasts be not divided or separated, as heretofore has been done, but be kept altogether as they were taken, in order to deliver them to the party, in case he come to make satisfaction to the lords of the said lands reasonably, according to their demand ; and in case any one divide or separate the beasts so taken, that he be punished as a robber and breaker of the peace of our lord the King. And if any Irish rise by force to the rescue of those reasonably taken, that it be lawful for the said English to assist themselves by strong hand, without being impeached in the court of our lord the King on this account ; and that no English take any distress upon any Irish of any part, between this and the feast of St. Michael next to come ; so that the Irish of every part may be warned in the mean time.

XII.

Irish not to pasture, &c., on lands of English or Irish at peace.

Impounding of beasts.

Also, it is ordained that no Irish of the nations of the Irish be admitted into any cathedral or collegiate church by provision, collation, or presentation of any person whatsoever, or to any benefice of Holy Church amongst the English of the land ; and that if any be admitted, instituted, or inducted into such benefice, it be held void, and that the King have his presentation of the said benefice for that vacancy, to what person soever the advowson of such benefice may belong, saving their right to present or make collation to the said benefice, when it shall be vacant another time.

XIII.

No Irishman to be presented to a church.

Also, it is agreed and established, that no house of religion, which is situate among the English, be it exempt or not, henceforth receive any Irishmen [to their] profession, but receive Englishmen, without taking into consideration that

XIV.

No religious house to admit Irish to their profession.

neez [en] Engleterre ou en Irland et q^e autrem^t le fra et de ceo soit atteint, soient lez tempaltez seises en la mayn n^{re} s^r le Roy a dem^rer a sa volonte et q^e nul p^late de seint Eglise resceiue nul neoyff as ascunz orders saunz assent et testimoignance de son seigno^r fait a luy South son seale.

15. Item q^e les minstrels¹ Irroies ven^{ant}z entre Engleis espient lez priuetez maners ⁊ Comyn² des Englisés dont graunz males sovent ad este venz, Accorde est ⁊ defende q^e nulles ministres³ Irroies, cestascavoi^r Tympano^r, fferdanes, skelaghés, Bablers Rymo^r, clercz⁴ ne nulles autres minstrells Irrois veignent entre les Engleis et q^e nul Engleis les resceiue ou don face a eux ⁊ q^e le face ⁊ de ceo soit atteint soit pris et impisoⁿ sibiⁿ lez Irroies ministreles⁵ come les Engleis q^e les resceiue^ment ou donent riens et puis soient reyntes a la volonte de Roy et les instrumentz de lo^r ministraltés forfaitz a n^{re} seigno^r le Roy.

16. Iim accord est et assentu q^e nul eschape desormes soit adiudge deûs nulluy p null enquest doffice au^{ant} ceo q^e la p^{tie} deûs q^e eschape deust estre adiuge, soit mesne en responce ou conys mesme le chose en place⁶ de recorde come q^e au^{ant} cez heures autrem^t ad este vse.

17. Item accorde est et assentz q^e nul home de q^e estate ou condicion q^u soit, s^r forfaiture de vie ⁊ de membre teigne kerne hobellours ne hudyues gentz en fre de peez a grever le loiall people de n^{re} s^r le Roy mes qⁱ les vuille tener, les teigne en la m^{iche} a ses costages ppres sauns rien prendre de nully encontre lo^r volonte, et si aueigne q^e nule home de kerne ou nul altre p^{igne} nul ma^{ne} dez vitailles ou au^ts biens de nully encontre sa volonte, soit hue ⁊ crie leuee s^r luy et soit pris ⁊ maunde a la Gaole sil se vuille rendre ⁊ si nō mez faire resistance et force issint q^e ne voille lattachm^t suffire soit

¹ *ministres* in MS. B. Mus. ² *finnesses* in MS. B. Mus. ³ recte *minstrels*.

⁴ For *clarsaghours*. In Patent Roll, 13 Henry VI., art. 86, is a recital that Irish *mimi*, as *clarsaghours*, tympanours, crowthores, kerraghers, rymours, skelaghés, bards and others come among the Englich, contrary to the form of the Statutes of Kilkenny, 40 Edward III. See also Hardiman's *Irish Minstrelsy*, xviii. (Lond. 1831).

⁵ *ministres* in MS. B. Mus.

⁶ *plaie* in the other Lambeth MS.

they be born in England or in Ireland, and that [in the case of] any that shall do otherwise, and thereof be attaint, the temporalities be seized into the hand of our lord the King, to remain at his will. And that no prelate of Holy Church receive any villein to any orders without the assent and testimony of his lord, made to him under his seal.

No villein to be admitted to orders without his lord's assent.

Also, whereas the Irish minstrels, coming among the XV.

English, spy out the secrets, customs and policies of the English, whereby great evils have often happened, it is agreed and forbidden that any Irish minstrels, that is to say, tympanours, pipers, story tellers, babblers, rhymers, harpers, or any other Irish minstrels, come amongst the English; and that no English receive them or make gift to them. And that he who does so, and thereof be attaint, be taken and imprisoned, as well the Irish minstrels as the English that receive them or give them anything, and that afterwards they be fined at the King's will, and the instruments of their minstrelsy be forfeited to our lord the King.

Irish minstrels, &c. not to be received among the English.

Also, it is agreed and assented that no escape henceforth be XVI.

adjudged against any, by any inquest of office, before the party against whom the escape ought to be adjudged be put to answer or acknowledge the same thing in a place of record, although heretofore it has been otherwise used.

As to escapes.

Also, it is agreed and assented that no man, of what estate or XVII.

condition he be, upon forfeiture of life and of limb, keep kernes, hobelers or idlemen in land of peace, to aggrieve the loyal people of our lord the King; but that he who will keep them, keep them in the march at his own expense, without taking anything from any person against their will. And if it happen that any man, whether kerne or any other, take any manner of victuals or other goods of any against his will, that hue and cry be raised against him, and he be taken and committed to gaol if he will surrender himself, and if not, but make resistance and force, so that he will not suffer the attachment, it be done to him as to an open robber; and

No one to keep kernes, &c., save at his own cost.

Hue and cry against any taking victuals against owner's will.

faire¹ de luy come de Robeo^r appt & tiel manere pris soit tenuz p^r Robere et en cas q^e tiel meffessours deffient lattachement q^e nul home lez p^rra prendre adonq^m respoigne son seigno^r ou le meno^r p^r luy & face gree a la ptie qst issint endomadge & sil ne face gree a la ptie, eit le Roy la suit deûs luy sibiⁿ p^r luy mesmes come p^r la ptie, Et eux q^e ne leuent a celle h^{ue} & crie soient tenz et punys come mainteno^m de felons et si nul home teigne ou mene kernes hobelours ou hudyues² gentz aufement q^e de suis est dit, eit Judgement de vie et de membre & soient ses terres et Tenement^e forfaitz.

18. Item soit vncore³ fait q^e toutz yceux qⁱ sont ore hudyues gentz & volient prendre terres de Roy veignent a mon f^{ior} le Duc lieutenant n^{re} f^{ior} le Roy en Ireland Chaunceller ou Theasurer le Roy & p^rignent terres gastes du Roy a fee ou a ferme, si les voillent prendre des alfs f^{ior} veignent a eux ou a lo^r seneschall en mesme la manere.

19. Item q^e nul m^{chies} ne autre teignêne plement ne dalliance ove nul Irroies ou Engleis [Rebelle]⁴ q^e sont encontre la peez saunz congie de la Coort ou en p^sence de viscont n^{re} f^{ior} le Roy ou des gardins de la pees q^e puissent voier q^e tiel plement ou daliaunce soit p^r cōe pfit & ne my p^r singler et q^e le face, eit lemp^{risonment} et soit reint⁵ a la volunte le Roy.

20. Item ordeigne est et establie q^e si ascū de linadge ou de aerdauntz ou de reten^{ant}z de ascun chieftayne de linadge Engleis dedins la terre dirland q^e le dit cheftayn p^rru chaster, face ascun trespas ou felonie q^e le dit chefteyn ap^r q^e eit ent notiz q^e face prendre le dit miffesso^r & luy maundre a la prochin gaola illonq^m a dem^r tanq^e q^e soit deliue p la lei, Et si le dit cheftein ne voile ceo faire q^e son corps soit pris⁶ p^r le dit meffeso^r & detenutz en p^son tanq^e le corpz la meffesso^r soit renduz a la Co^rt n^{re} f^{ior} le Roy destre iustisable come

¹ *faicte* in MS. B. Mus.

² *Idoyues* in MS. B. Mus.

³ *on ore* in MS. B. Mus.

⁴ *Not* in MS. B. Mus.

⁵ *remis* in MS. B. Mus.

⁶ Instead of the word *pris*, the words *deliue par la loy et si les d. chieftain* are inserted here in MS. B. Mus.

that such manner of taking [of victuals] be considered a robbery. And in case such malefactors fly from the attachment, so that no man can take them, that then their lord or the leader answer for him, and make satisfaction to the party who has been so damaged. And if he make not satisfaction to the party, that the King have the suit against him, as well for himself as for the party. And that those who do not rise at such hue and cry be held and punished as maintainers of felons; and if any man keep or lead kernes, hobelers, or idlemen, otherwise than is abovesaid, that he have judgment of life and limb, and his lands and tenements be forfeited.

Also, that it be proclaimed that all those who are now idle men and are willing to take lands of the King, come to my lord the duke, lieutenant of our lord the King in Ireland, the chancellor or treasurer of the King, and take waste lands of the King in fee or in farm; if they wish to take of other lords, that they come to them, or to their seneschal, in like manner. XVIII.
Idle men to have lands in fee or in farm.

Also, that no marchers or others hold parley or intercourse with any Irish or English rebels who are against the peace, without leave of the Court, or in the presence of the sheriff of our lord the King, or the wardens of the peace, that they may see that such parley or intercourse be for common and not for individual benefit; and that he who does it be imprisoned, and be fined at the King's will. XIX.
As to parley, &c., between marchers and the enemy.

Also, it is ordained and established, that if any of the lineage, or of the adherents or retainers of any chieftain of English lineage, within the land of Ireland, whom the said chieftain can chastise, commit any trespass or felony, the said chieftain, after he have had notice thereof, cause the said malefactor to be taken and committed to the next gaol, there to remain until he be delivered by the law; and if the said chieftain will not do so, that his body be taken for the said malefactor, and detained in prison, until the body of the malefactor be given up to the Court of our lord the King, to XX.
Chieftains to punish their own retainers, &c.
Penalty.

de suis est dit et *maintenens soit de le dit*¹ chiefteyn p^r le contempt reint a la volente le Roy et face gree a la ptie issint grevee.

21. Item accorde est & assentu qun pees & guerre soit p tout la terre issint q^e nul Irroies ou Engleis soit de guerre en vn Counte q^e les Countees enuyron les facient guerre & greu^r en lo^r marches maintenaunt q^{ut} ilz s^rront garnuz p les gardines de la pees de dite Counte ou p viscont ou la guerre sourdy [et sils ne les font soient tenuz come maintenens de felons et si ceux de la countree ou la guerre sordit]² soeffrent lo^r marches estre destrutz p les enemyes et ne vuillent leuer de arrestre le malice des enemies ap^{tes} q^{us} soient resonablement garnz p les garriens³ de la pees ou p viscount ou cre leue en paies du dit Counte q^e adonques ilz soient tenuz come maintenours des felon.

22. Item p^r ceo q^e diûses gentz fount diûses Roberies⁴ et felonies en franchises & se fuerent ove lo^r biens en Guydable issint q^e les ministres de franchises ne point illonq^{es} faire lo^r office ne le felouns ne lo^r biens prendre mes soint illoeq^m ove lo^r biens receptz. Et auxint diûse gentz q^e font diûse roberies & felounies en guildable fuerent ove lo^r biens en la franchise issint q^e le ministres n^{re} f^{or} le Roy ne poent illoeq^m lo^r office faire ne les felouns ove lo^r biens prendre mez sont illoeq^m ove lo^r biens recepte accorde est & assentu q^e si nulle ministre de la franchise face poursuit s^r nul tiel feloñ en le guildable q^e ceux de guildable soient en eide p^r tiel manere felon prendre & luydelyverer a dit ministre ensemblement ove lez biens ove luy troves & facent de ceo la livre auxiñ de corps come de chateux a dit ministre de faire ceo q^e a la ley appent et q^e ceux de la franchise facent en mesme le manere a viscont n^{re} f^{or} le Roy ou a ses ministres q^e font la suyt s^r tielz felons q^e fount felonies & fuerent ove⁵ lo^r biens en franchise & si nul face felonie en un coutee⁶ & defue en autre countee⁶ ou en

¹ *non moiens soit le dit* in MS. B. Mus.

² This passage occurs in MS. B. Mus.

³ *Gardiens* in MS. B. Mus.

⁴ *Rebelions* in MS. B. Mus.

⁵ *aver* in MS. B. Mus.

⁶ *Countree* in MS. B. Mus.

be amenable to justice, as is above said ; and nevertheless that the said chieftain, for the contempt, be fined at the King's will, and make satisfaction to the party so aggrieved.

Also, it is agreed and assented, that one peace and war be throughout the entire land, so that if any Irish or English be at war in one county, the counties around them shall make war and harass them in their marches, so soon as they shall be warned by the wardens of the peace of the said county, or by the sheriff where the war arises ; [and if they do not, they be held as maintainers of felons ; and if those of the country where the war arises] suffer their marches to be laid waste by the enemy, and will not rise to check the malice of the enemy, after they be reasonably warned by the wardens of the peace or by the sheriff, or cry raised in the countries of the said county, that then they be held as maintainers of felons.

XXI.

One peace and one war throughout Ireland.

Also, whereas divers people commit divers robberies and felonies in franchises, and fly with their goods into geldable, so that the officers of the franchises cannot execute their office there, or take the felons or their goods, but they are received there with their goods. And in like manner divers people who commit divers robberies and felonies in geldable, fly with their goods into the franchise, so that the officers of our lord the King cannot there execute their office, or take the felons with their goods, but they are received there with their goods ; it is agreed and assented that if any officer of the franchise make pursuit after any such felon into geldable, that those of the geldable be in aid to take such manner of felon, and to deliver him to the said officer, together with the goods found with him, and thereupon deliver up, as well the body as the goods to the said officer, to do that which to the law appertains ; and that those of the franchise act in like manner towards the sheriff of our lord the King, or his officers who make pursuit after such felons, who commit felonies and fly with their goods into a franchise ; and if any commit felony in one county, and fly into another county, or into a

XXII.

Officers of franchises may pursue felons into geldable land, and sheriffs may pursue into franchises.

franchise & illoeq^m demoer q^e le viscount de cell countie¹ ou la felonie si fist eit ponair a mandre p ses pceptes as viscountes ou seneschiallx de les pties ou le dit felon demuert auxibn deinz franchise come dehors a prendre *le corps*² le dit felon et del remaundre & q^e les dites viscontes & seneschiallx soient obeissance chescun en tiel case a autre mandem^t. Et si nul de Guildable ou de franchise leue en eide de tielx meffesours issint q^e les ministres ne puissent lo^r office faire de eux q^{un} soient tenz si noters felons come ceux q^e font lez roberies & punyz en mesme la forme, et si les ministres au^{nt}ditz soient remissee en les executions de mandem^t suisditz faire & de ceo soient atteintz soient adiuge a la p^{er}son & reintz a la volonte le Roy & net paz lentencien du Roy ne de Councel q^e p tiel entre en franchise ou mandem^t a seneschall q^e la franchise soit emblemy.

23. Item p^r ceo q^e diuise gentes enfeffent lo^r enfantz ou auters estranges de lo^r terres & donant lo^r biens & chatelx p fraude & colucion de forbarer & delaier n^{re} f^{or} le Roy de sa dette & pties de lo^r accion et auxint fount mayntez feoffem^t de lo^r ditz terres & tentz p^r aver diuise vochez & abater brefc. Accorde est & assentu qⁱ si ceux alieno^m ou feffours p^{er}gnent les profitz des ditz terres & teintes apres tielx alienations ou enfeffem^t faitz qⁱ ilz nient contristant lez ditz feyntz alienations ou feoffem^t faitz sont adiuges Ten^{antes} a brefc p^{er}chaser & q^{un} nient ascun vouche de ceux issint enfeoffc & q^e n^{re} seigno^r le Roy et pties eient execution & recoverir de ceux terres biens et chateux issint alienes auxibn come de terres et chateux le dit alieno^r propres. Et si aveigne q^e si ascū hōe soit en purpose de leuee la guerre encontre le Roy ou de ascū felonie faire p cel cause enfeffe ascū home de cez terre p^r faire tielx felonies & treasons apres le feoffement q^e si apres q^{un} soit atteint de les Treasons ou felonies suisditz q^e les

¹ Countres in MS. B. Mus.

² These words not in MS. B. Mus.

franchise, and there remain, that the sheriff of that county where the felony was so committed have power by his precepts to order the sheriffs or seneschals of the parts where the said felon remains, as well within franchise as without, to take the body of the said felon, and to send it back ; and that the said sheriffs and seneschals be obedient each in such case to the mandate of the other. And if any of geldable or of franchise rise in aid of such malefactors, so that the officers cannot execute their office on them, that they be held as notorious felons as those who commit the robberies, and be punished in the same manner. And if the officers aforesaid be remiss in the execution of the mandates aforesaid and thereof be attaint, that they be adjudged to prison, and fined at the King's will. And it is not the intention of the King, or of the council, that, by such entry into franchise, or mandate to the seneschal, the franchise be injured.

Sheriffs and officers of one county to aid those of another in felonies.

Penalty on negligent officers.

Also, whereas divers people enfeof their children or others, strangers, of their lands, and give their goods and chattels by fraud and collusion, in order to bar and delay our lord the King of his debt, and parties of their action ; and also make many feoffments of their said lands and tenements, in order to have divers vouchers, and abate writs : it is agreed and assented that if such alienors or feoffors take the profits of the said lands and tenements after such alienations or feoffments made, that they, notwithstanding the said feigned alienations or feoffments made, be adjudged tenants for the purchase of writs, and that they vouch not any of those so enfeofed ; and that our lord the King, and the parties, have execution and recovery of those lands, goods and chattels so aliened, as well as of the proper lands and chattels of the said alienor. And if it happen that if any man be purposed to levy war against the King, or to commit any felony, and for such cause enfeof any man of his land, in order to commit such felonies and treasons after the feoffment, that if afterwards he be attaint of the treasons or felonies abovesaid, that the lands aforesaid, into whatever hands

XXIII.

Fraudulent feoffments void.

Forfeiture of lands conveyed with a view to war or felony.

terres suisditz en qⁱ mains q^u devendront soint forfaitz nient contristant la feoffem^t come si le fuissent en sa mayne demesme io^r de la felonie fait. Et eit cest ordenance lieu auxibien a les feoffem^u p celle cause au^{nt} cez heures faitz come en temps a uender affaire.

24. Item en chescū Countie¹ soient ordynez quatre de melth vauetz du Counte p^r estre Gardeyns de la peez lez q^uux eient ploin pouair de asser gentz chiuax as armes hoblours & gentz a pee chescun solonc la valu & quantite de sez terres biens & chateux issint q^u soient psttez quele heure q^e mestier en s^ra p^r arrester la malice des enemyes solonc ceo q^u s^rront assiz p les gardines suisditz. Et q^e les ditz Gardeins apres larray² fait en la maner suisdit, facent vieu des ditz gentz de armes hoblours & gentz a pee de moys en moys en certeyn³ lieu de countee⁴ ou ils veont q^e menltz soit affaire en eyse du people. Et si les ditz Gardeins trouissent nul rebell q^e ne voet a lo^r maundem^u obeyr eiant pouair de les attacher & maunder a pschin gaole illoeq^u ademier tanq la ley de luy soit fait. Et si les gardeins de la peez soient remisseez ou negligentz en lo^r office faire & de ceo soient atteintz q^e adonques ilz soient prises & inp^lson et reintz a la volunte le Roy. Et si nul issint eslieu gardein refuse de receyver la comission le Roy soit p^lse & enp^lson & ses terres seiss en la mayn n^re seigno^r le Roy & issint defigent tanq le Roy ent eit autrement ordeine et facent lez ditz Gardeyns serementz de loialment vser lo^r office en la manere suisdit.

25. Item ordine est q^e les mareschalz del vn Bank & del au^le & dedins fraunchises ne p^rgnent desormes p^r lo^r fee pluis q^u p^rgnent en Engleterre cestascavoir Cink deniers seulement come tesmoigne est a conseil q^u fount en Engleterre solonc lestatut en Engleterre de ceo ent p^rueu et ceo apres q^e home soit acq^lte ou convinct⁵ & finalement deliverez hors du coort & nemy au^{nt}. Et silz facent alencontre & de ceo soient

¹ *Countree* in MS. B. Mus.

² *leur arrive* in MS. B. Mus.

³ *chacun* in MS. B. Mus.

⁴ *la countree* in MS. B. Mus.

⁵ *en Countee* inserted here in MS. B. Mus.

they shall come, be forfeited, notwithstanding the feoffment, as if they were in his hand the same day of the felony committed. And that this ordinance have place, as well in the case of feoffments on this account heretofore made, as hereafter to be made.

Also, in every county that there be ordained four of the most substantial of the county, to be wardens of the peace, who shall have full power to assess horsemen-at-arms, hobelers and footmen, each according to the value and quantity of his lands, goods and chattels, so that they be ready, whensoever there shall be need, to arrest the malice of the enemy, according to what they shall be assessed by the wardens aforesaid. And that the said wardens, after array made in manner aforesaid, make view of the said men-at arms, hobelers, and footmen, from month to month, in a certain place of the county where they shall see that it be best to be done, in ease of the people. And if the said wardens find any rebel who will not obey their mandates, that they have power to attach and commit them to the next gaol, there to remain until the law be made of them. And if the wardens of the peace be remiss or negligent in executing their office, and thereof be attaint, that then they be taken and imprisoned, and fined at the King's will. And if any one so chosen a warden refuse to receive the King's commission, that he be taken and imprisoned, and his lands seized into the hand of our lord the King, and so remain until the King have otherwise ordained therein, and that the said wardens make oaths to use their office lawfully in the manner abovesaid.

XXIV.

Wardens of
the peace in
each county.

Their duties.

Also, it is ordained that the marshals of the one bench, and of the other, and within franchises, do not henceforth take for their fee more than they take in England: that is to say, five pence only, as it has been proved to the Council that they do in England, according to the statute in England in this behalf provided; and this after a man be acquitted or convicted, and finally delivered out of the court, and not before. And if they do to the contrary, and thereof be attaint, that their

XXV.

Fee of
Marshals of
the Benches.

atteintz soient lo^r bailles seisez en la mayn le Roy p^r pleint de celuy q^{ui} encountre cest accorde greuee & outra ceo facent gree a ceux qⁱ sont issint p^r eux endamadge & detenutz en p^rison tanq^{ue} lo^r gree soit fait. Et q^{ue} le mareschall de lescheq^{ue} ne p^rigne q^{ue} di fñc chescun terme qu^{and}nt home dem^{ore} en sa garde p^r arreradges dacompte ou p^r la dette le Roy. Et qⁱ face a lencountre & de ceo soit atteint eit la penaunce come desuis est dit. Et q^{ue} nul constable des chastelx dedinz franchise ne dehors ne p^rigne de nul p^risoner mys en sa garde p^r son fee fors solem^{ent} cinc deniers forspris le constable du Chastell de Dyvelyn q^{ue} est le chief Chastell le Roy en Ireland p^r ceo q^{ue} tesmoigne est au Counseill q^{ui} doit plus prendre & de auncient temps ad fait & q^{ue} autrem^{ent} face & de ceo soit atteint soit la Constablerie seisez en la mayn le Roy & celuy q^{ue} ensy afa fait, soit pris & in p^rison tanq^{ue} face gree a la ptie & fyn au Roy et q^{ue} les mareschalles ne constables au^{ant}nditz dedeins franchises ne dehors ne mettent les p^risoners q^{ui} ont en lo^r garde a destresse & duretz de penaunce p^r singler pfit ou suet auoir & si lō facent, soient pris et detenus en p^rison tanq^{ue} ilz eient renduz le double a celluy de qⁱ ilz ont receuz tielx torceious pfit et ne p^r qu^{and}nt facent fyn au Roy et sⁱ ceo soient brefe maundes a chescun place de la Pre ou mareschall ou constable cest aīñn dedeins fraunchise come dehors comaundantz et Juface¹ de chescū place & auxint a Tresurer & Barons del escheq^{ue} q^{ui} facent charger les mareschall de lo^r ditz places q^{ui} ne p^rignent de nully autrement desuis est dit et enq^{er}er de tempus en tempus de ceux qⁱ fount a lencountre a les punyr en la forme suisdit.

26. Item ordeine est et establee q^{ue} si home face felonie et soit fuytif ou atteint p^r outlarie ou en autre manere p^r q^{ui} ses biens et chateux soient forfaitz au roy q^{ue} lez viscountz de mesme le counte² ou les ditz felounes sont, facent seisir les

¹ *au Justice* in MS. B. Mus.

² *countree* in MS. B. Mus.

bailiwicks be seized into the King's hand, at the complaint of him who is aggrieved contrary to this agreement; and moreover that they make satisfaction to those who are so damaged by them, and be detained in prison until their satisfaction be made. And that the marshal of the Exchequer take only ^{Marshal of the Exchequer.} half a mark every term, when a man shall remain in his custody for arrears of account, or for the King's debt. And that he who does to the contrary, and be thereof attaint, suffer the penalty as is abovesaid. And that no constable of castles, ^{Constable of a castle.} within franchise or without, take of any prisoner put into his custody, for his fee, but only five pence, except the constable of the Castle of Dublin, which is the King's chief castle in Ireland, ^{Constable of Dublin Castle.} by reason that it has been proved to the Council that he ought to take more, and from ancient time has done so. And he who does otherwise and thereof be attaint, that the constableness be seized into the hand of the King, and that he who shall have done so be taken and imprisoned until he make satisfaction to the party, and fine to the King. And that the marshals or constables aforesaid, within franchises or without, put not the prisoners whom they have in their custody to distress and duress of punishment, for the purpose of obtaining their own profit or suit; and if they do so, that they be taken and detained in prison until they have rendered double to him from whom they have received such wrongful profit, and moreover make fine to the King. And that hereupon writs be sent to every place of the land where there is a marshal or constable, as well within franchise as without, commanding the justice of each place, and also the treasurer and barons of the Exchequer, to cause charge to be given to the marshal of their said places, that they take not of any person otherwise than as aforesaid; and to inquire from time to time of those who do the contrary, and to punish them in the form abovesaid.

Also, it is ordained and established that if any man commit XXVI. felony, and be fugitive or attaint by outlawry, or in any other way, whereby his goods and chattels are forfeited to the King, ^{Sheriffs to seize goods forfeited by} that the sheriffs of the same county where the said felons are, ^{attainder, &c.}

ditz biens et chateux en la mayn le roy en qⁱ mains ilz ap^m detenant & respondint de ceo a ñre f^{or} le roy de s^r lo^r accompt sils mettent tielx biens et chateux en ascun garde les mettent en tiel garde p^r queux ilz vallent respondere & q^o les villes ne soient ent chargez come ilz soleient au^{nt} ces heures.

27. Item¹ q^o si trewe ou peez soit pris p le Justice ou gardeynes de la pees ou viscountz entre lez Engleys & Irroies & si ele soit debruse p ascun Engleis & de ceo soit atteint soit pris et mis en pⁱson tanq^o gree soit fait p luy &² ceux qⁱ sont desrobes & endamages p celly encheson et ou^p ceo soit reint a la volunte ley roy & sil neit done faire restitution a ceux q^o sont issint endamages eit ppetuell pⁱson et tielx gardeynes & viscountz eiant pouair denq^rer de tielx q^o issint enfrengeint la pees.

28. Item ordeine est q^o si debate soit meu pentre Engleis et Engleis p q^o les Engleis dun pte & dautre coillent a eux Engleis et Irroies en pais illoq^m a dem^r p^r guerrer & greu^r au^fs a graund damage & destruction de lieg people le roy, Accorde est et assentz q^o nul Engleis soit si hardie de mouer guerre antre au^fs de amener nul Engleys ne Irroies desormet p celle encheson & qⁱ le face & de ceo soit atteint, eit Jugement de vie et de membre & lo^r terres forfaitz.

29. Item accorde q^o nul home de qⁱ estate ou condiçon qⁿ soit face nⁱ manere de *arrestee ne^s* disturbance a nuⁱ des ministres ñre f^{or} le roy p q^o il ne poit son office faire & qⁱ le face & de ceo soit atteint soit pris et enpⁱson & *reint⁴* a la volunte le roy.

30. Item ordeine est q^o nulles Engleis cōes meffesours ne cōes robiours ne abareto^m soient mayntenuz p nul de la Court le Roy ne p les graundes ne petitz de la terre s^r la pile

¹ *ordonne* inserted here in MS. B. Mus.

² *a* in MS. B. Mus.

³ These words not in MS. B. Mus.

⁴ *remitted* in MS. B. Mus.

cause the said goods and chattels to be seized into the King's hand, in whatever hands they may afterwards be detained, and answer thereof to our lord the King on their account ; and if they put such goods and chattels into any custody, they put them into such custody as they can answer for, and that the vills be not thereof charged as they were wont heretofore.

Also, that if truce or peace be made by the justiciar, or wardens of the peace, or sheriffs, between English and Irish, and it be broken by any Englishman, and he be thereof attainted, that he be taken and put in prison until satisfaction be made by him to those who are robbed and injured on that account, and further that he be fined at the King's will ; and if he have not wherewith to make restitution to those who are so injured, that he have perpetual imprisonment. And that such wardens and sheriffs have power to inquire concerning those who so break the peace. XXVII.
English truce
breakers to be
imprisoned.

Also, it is ordained that if dispute arise between English and English, whereby the English on one side and on the other gather to themselves English and Irish in the country, there to remain to make war upon and aggrieve the other, to the great damage and destruction of the King's liege people ; it is agreed and assented that no English be so daring as to stir up war with each other, to draw away henceforward any English or Irish for such purpose, and he that does it, and thereof be attaint, have judgment of life and limb, and his lands forfeited. XXVIII.
English not to
stir up war.

Also, it is agreed that no man, of what state or condition he be, make any manner of arrest or disturbance against any of the officers of our lord the King, whereby he may be unable to execute his office ; and he who so does, and thereof be attaint, be taken and imprisoned, and fined at the King's pleasure. XXIX.
The King's
officers not to
be hindered.

Also, it is ordained that no English common malefactors or common robbers or barrators, be maintained by any of the King's court, or by the great or small of the land, upon the XXX.
Malefactors or
barrators
not to be
maintained.

q^{ap}pent cestascavoir sil soit seigno^r del franchise p^{de} sa franchise & si autre pson soit pris & reïnt a la volonte le Roy.

31. Item ordeine est q^e les cheifz s^{ri}antes de fees et lo^r atturnees facent duhe execution de mandement^e le Roy & des viscountz come ilz deüoent faire, et silz ne facent & de ceo soient attaintz soient lo^r balliees seises en la maine le Roy & lo^r corps a la p^{is}on & q^u desormes ne lassent lo^r baillies a plus haut ferme q^e en ancien estoit solome^l ceo q^e p le statut s^{ic} ceo fait en Engleterre est ordeine.

q^d vic bis
tenent turn'
suū p annū
nō habeat
vitra.

32. Item q^e come somons del Eschequer n^{re} f^{or} le Roy Dirland vienentz a diūs viscountz et seneschalles de le franchise p^r les dettes n^{re} f^{or} le Roy leuer de diūs gentz en lo^r bailliees lez queux viscountz & Seneschalx ensemblem^t one les s^{ri}ant^e de countees et franchises si fount leuer diūs sōmes dez ditz dette de diūse gent^e de countees franchises & les ne acquitent my s^r lo^r accompt^e al Eschequer mes si excusent p les s^{ri}ant^e de fee et lo^r lieuten^{ant}z p q^e la paie des dettes n^{re} f^{or} le Roy si est targe delay et le people grauntem^t endamadg de ceo q^u ne soint my acq^{it}er de les deniers q^u oūt pais; Accorde est et assentz q^e quant les viscountz et les Seneschalx de Loueth, Mid, Trym, Dyvelin, Kildare, Cathirlagh, Kilkeny, Weyš, Waterford et Tippera^r vienent p^r lo^r accomptz rendre devant Treasurer ou Barōns des issues de lo^r Bailles q^e les s^{ri}iantz de fee q^e sont presentz & les Deputies de eux q^e sont hors de terre soint distreintz de venir en lescheq^{er} & illoeq^u demier ove lez ditz viscountz & Seneschalx tanq ces ditz viscountz & Seneschalx eient pleinement accompt^e. Et si issint soit q^e les ditz viscountz ou Seneschalx p^rront charger les ditz s^{ri}ant^e ou lo^r deputies q^u oūt receuz deniers le Roy de nully nient fesant la paie as ditz viscount^e & Seneschalx & s^{ic} ceo soient atteintz demorgent lo^r corps en garde du marchall

¹ *reloïue temps estoient* in MS. B. Mus.

penalty thereto attaching, that is to say, that if he be a lord of a franchise, he lose his franchise, and if any other person, that he be taken and fined at the King's pleasure.

Also, it is ordained that the chief serjeants of fees, and their attorneys, make due execution of the mandates of the King, and of the sheriffs, as they ought to do ; and if they do not so, and thereof be attaint, that their bailiwicks be seized into the King's hand, and their bodies be sent to prison ; and that henceforth they lease not their bailiwicks at a higher farm than was anciently done, according to what by the statute thereupon made in England is ordained. XXXI.
Serjeants of
fee to make
due execution.

Also, whereas summons of the Exchequer of our lord the King, of Ireland, comes to divers sheriffs and seneschals of franchise, to levy the debts of our lord the King, of divers persons in their bailiwicks ; which sheriffs and seneschals, together with the serjeants of counties and franchises, do accordingly levy divers sums of the said debts, of divers persons of counties and franchises, and do not discharge them upon their accounts at the Exchequer, but excuse themselves by the serjeants of fee and their deputies, whereby the payment of the debts of our lord the King is so retarded and delayed, and the people greatly injured in this respect, that they are not discharged of the money that they have paid : it is agreed and assented, that when the sheriffs and seneschals of Louth, Meath, Trim, Dublin, Kildare, Carlow, Kilkenny, Wexford, Waterford, and Tipperary, come to render their accounts of the issues of their bailiwicks, before the treasurer or barons, that the serjeants of fee who are present, and the deputies of those who are out of the land, be distrained to come into the Exchequer, and there remain with the said sheriffs and seneschals, until the said sheriffs and seneschals have fully accounted. And if it be so that the said sheriffs or seneschals can charge the said serjeants or their deputies, that they have received the King's money of any one, not making payment to the said sheriffs and seneschals, and they thereupon be attainted, that their XXXII.
As to taking
sheriffs'
accounts,
Leinster
counties.

tanq^g gree soit fait a ñre seigno^r le Roy de ses deniers en descharge des dettours ñre f^{or} le Roy ou des ditz viscounte ou Seneschallx silz eient de que et si ne ye^l demorgent en pⁱson tanq^e ilz soient deliuez p le conseil e ne p q^{nt} soient les viscountz e Seneschallx ent charges s^r lo^r accompte come deu^{nt}. Et q^e toutz le dettes leuez p les sⁱante soient paies a viscountz p endenture entre eux faitz issint q^e quant les ditz sⁱante viennent s^r l'accompte de viscount en lescheq^{er} qth puissent monstrier lo^r indenture² e tesmoigner des q^{ux} ilz ount receuz leez deniers le Roy e des q^{ux} nemy. Et p^r ceo q^e les countees de Conaght, Kery, Corcke e Lymerick sont si loyne de la Court q^e les sⁱante de mesmes les countees ne poent bonement venir a le dit Escheq^{er} destre s^r l'accompt des viscount e Seneschallx de mesmos les Countees come auters sⁱante fount. Accorde est et assentuz p³ les sⁱante des ditz countees ou lo^r Deputies quant vn des barons oue Clerck Assignes p Treasurer e Baron vient p comission del Eschequer es pties suisdite p^r la veretyre⁴ examiner e la dette ñre f^{or} le Roy leuer q^e adonq^m demorgent ou le dit Baron ou Clerck tant come les ditz viscountz e Seneschallx demorgent. Et si issint soit qth ont enz receuz de nully nient fesant la paie as ditz viscountz ou Seneschallx en la manere suisdite q^e adonq^m soient arrestuz et eient la penaunce susdit. Item p^r ceo q^e les fees de viscountz si sont ordines p estatute e les viscounte en la terre Dirland preignent en lo^r turnes de chescun Baronie en lo^r Ballie vn marc per an e de chescun ville m^arche a le foitz *xxs. xs.*⁵ e di m^arc⁶ a tresgraunde oppression de people. Accorde est e assentu q^e les viscountz suisditz teignent lo^r turnes deux foitz p an, cestascavoir apres la fest saint Michell et apres la pasq^h, et qth ne pignent si non xl *d.* de chescū Baronie a chescū turne coment diūse villes marches ou Burghes soient dedeins

¹ *nemy* in MS. B. Mus.

² *ordonnanee* in MS. B. Mus.

³ *que* in MS. B. Mus.

⁴ *recte verte cyre.*

⁵ *xs.* in MS. B. Mus.

⁶ The words *e di m^arc* are omitted in it.

bodies remain in custody of the marshal, until satisfaction be made to our lord the King, of his moneys, in discharge of the debtors of our lord the King, or of the said sheriffs or seneschals, if they have wherewithal, and if not, that they remain in prison until they be delivered by the Council, and nevertheless that the sheriffs and seneschals be thereof charged upon their account as before. And that all the debts levied by the serjeants be paid to the sheriffs by indenture made between them, so that when the said serjeants come on the account of the sheriff in the Exchequer, they may show their indenture, and prove from whom they have received the King's money, and from whom not. And whereas the counties of Connaught, Kerry, Cork, and Limerick, are so far from the Court, that the serjeants of the said counties cannot conveniently come to the said Exchequer, to be present on the accounts of the sheriffs and seneschals of the said counties, as other serjeants do; it is agreed and assented that when one of the barons, or a clerk assigned by the treasurer and baron, come by commission of the Exchequer to the parts aforesaid, to examine the green wax and to levy the debt of our lord the King, the serjeants of the said counties or their deputies then remain with the said baron or clerk, as long as the said sheriffs and seneschals remain. And if it happen that they have received any part thereof from any person, without making payment to the said sheriffs or seneschals, in the manner aforesaid, that then they be arrested, and suffer the penalty aforesaid.

Same,
Connaught
and Munster.

Also, whereas the fees of sheriffs are ordained by statute, and the sheriffs in the land of Ireland take in their turns of every barony in their bailiwick, one mark yearly, and of every market town some times twenty shillings, ten shillings, and half a mark, to the very great oppression of the people; it is agreed and assented that the aforesaid sheriffs hold their turns twice in the year, that is to say, after the feast of Saint Michael and after Easter; and that they take only forty pence of every barony at each turn, although there be divers market towns or burghs within the same barony. And whether

XXXIII.

That the
sheriffs hold
their turns
twice in the
year.

Their fees.

mesme le Barronie. Et si issint soit qⁿ soit prie¹ p^r le Roy² de Baronie sil ne soit requise ou prie a manger ne ßigne riens, [et q^e nul clerk de viscountz p cause de tiel Turne ne ßigne riens]³. Et auxint q^e desore en au^{nt} nul denier soit leue de nul carve de terre ne autre manere p cause de celle office faire si nō le di marc p an come deuis est dit. Et si nul face encontre le ordinance suisditz et de ceo soit atteint soit commande a la p^{son} et outre ceo rendre a ceux q^{ux} il soit pris riens p celle cause encontre la dit ordinaunce la doble silz ce veullent pleindre et puis soit reint a la volunte le Roy et q^e nulles viscountz de franchises qⁱ de reson deuent eteins fees des f^{ees} de mesme la franchise p^r lo^r office faire ne ßignent riens p^r lo^r Turnes de gentz de lo^r Bailles mes se teignent paiey de ceo q^{ux} p^{nt} des ditz seign^{rs} de franchises et silz facent et de ceo soient atteintz, eient mesme la penaunca.

pro labor'
imveniend

Item p^r ceo q^e les cōes de la terre se plient diſsement estre greuez p default des servantes dont les Justice assignes de laborers moltz en cause de ceo q^e les cōes⁴ ses sount de graunt ptie absentes et fuerent hors de la dit terre. Accordé est et assentu q^e p cause de viure et vitailles sont plus encheriz q^{ux} ne solient q^e resonablement chescun laborer en son degre solonc discrecion de deux melth vadeux⁵ et plus sages de la⁶ Citee ville Burgh ville village ou hamlet hamlet⁷ en pais la ou il ferra son labor ßigne son leuer en grosse ou p iourne et si ne vuiller le faire ne obeir soient pris p le Maier Seneschallx Suffrain Provost ou Bailly des Cities et villes ou ilz sount ou p le viscount de Countie et mis en p^{son} tanq a la venue de Justices Assignes q^e vendrent deux foitz p an en chescun countie le Justice de la chief place q^e de ceo ferront duhe punissem^t et droit a les pties q^e ent se sentront greuez q^e

¹ recte *pue*. See Ordinances of 1351, article 24 (p. 395).

² *S^r* in MS. B. Mus.

³ This sentence is not in MS. B. Mus.

⁴ *labourers* inserted here in MS. B. Mus.

⁵ *Valereux* in MS. B. Mus.

⁶ *terre* inserted here in M.S. B. Mus.

⁷ Word repeated in original.

it be so that he is supplied with food by the lord of the barony, or he be not requested or invited to eat, that he take nothing; and that no clerk of the sheriffs, on account of such turn, take anything. And also that from henceforth no money be levied of any carucate of land, or in any other manner, on account of executing this office, except half a mark yearly, as is aforesaid. And if any person act contrary to the ordinance aforesaid, and thereof be attaint, that he be committed to prison, and moreover, render to those from whom he have taken anything on this account, contrary to the said ordinance, the double, if they will complain, and afterwards be fined at the King's will. And that no sheriffs of franchises, who of right ought to have certain fees from lords of the said franchise for executing their office, take anything for their turns from the people of their bailiwicks, but consider themselves paid by what they may receive from the said lords of franchises; and if they do so, and thereof be attaint, that they have the same penalty.

Also, whereas the commons of the land complain that they are in divers ways distressed by want of servants, for which the assigned justices of labourers are much the cause, by reason that the common labourers are for a great part absent, and fly out of the said land; it is agreed and assented, that, because living and victuals are much dearer than they were wont to be, each labourer reasonably, in his degree, according to the discretion of two of the most substantial and discreet men of the city, town, burgh, vill, village, or hamlet, in the country where he shall perform his labour, receive his maintenance in gross or by the day; and if they will not do so, nor be obedient, that they be taken by the mayor, seneschals, sovereign, provost or bailiff of the cities and towns where they are, or by the sheriff of the county, and put in prison, until the coming of the justices assigned, who shall come twice in the year into each county, [or] the justice of the Chief Place, who shall award due punishment for the same, and do right to the parties who

XXXIV.

As to maintenance for labourers.

Punishment of refractory labourers.

nul laborer passe outre mier & en case q^e face & reueigne soit pris & en pison p vn an & puis reint a la volunte le Roy et outre ceo soit bref mandz as viscountz Maires Seneschallx Suffrains et Bailles des Countees Cities et villes p tout la terre ou port de mier et commandant a eux q^{ux} ne seeffrent n' tiel passage de laborers. Et auxint accord est q^e les Comissioners faitz a Justice de laborers en chescū Countee¹ soient repeller et q^e desormes ne soient tielx.²

qd inquirat de istis articulis plus fractis et per Comiss R. ac eas audiend. et terminand.

Item accorde et establee q^e en mainten^{ance} de execution des estatiz devant ditz q^e deux pdeshomes aprise de la ley associez & a eux deux de moet vaduez du Counce p le Counsell le Roy soient assignes p comission denquerer deux foitz p an en chescun Countee ses³ q^e enfrennent les articles au^{nt}ditz & de oier et terminer les q^e ent s^rrant enditz deu^{nt} eux ou a syte de ptie & des diſes auters articles queux s^rront contenuz en la dit comission solont en le peynes⁴ les ditz estatiz contenuz saunz favo^r faire a ascū pson & de certifier en la Chauncelery de tempe en tempus ceo q^e p eux ent s^rra fait.

Item nre f^{or} le Duc de Clarence lieutenant nre dit f^{or} le Roy en Ireland et le Conseil nre dit f^{or} le Roy illoeqes Countees Barrouns & Cōes de la terre suisdite a ceste present pliamment assemblez ount requise les Ercevesq^{ux} et Evesques Abbas Priours et auters gentes de Religion q^{ux} facent excoingement et exconger les psons countreuenantz les estatutz & ordinaunces au^{nt}ditz et auters censures de seint esglise ou⁵ eux fulmyner si ascunz p Rebellitee de cuer veigne encountre les estatutz et ordinaunce suisdite. Et nous Thomas Ercevesq^{ux} de Duuelin, Thomas Ercevesq^{ux} de Cassell, John Ercevesq^{ux} de Thueme, Thomas Evesq^{ux} de Lismore et Waterford, Thomas

¹ *countree* in MS. B. Mus.

² *comission grauntees* added in MS. B. Mus.

³ *ceux* in MS. B. Mus.

⁴ *pointz contenuz au dit statut* in MS. B. Mus.

⁵ *en* in MS. B. Mus.

shall feel themselves aggrieved thereby. And that no labourer pass beyond sea ; and in case that he do so and return, that he be taken and put in prison for a year, and afterwards be fined at the King's will. And moreover, that writs be sent to the sheriffs, mayors, seneschals, sovereigns, and bailiffs of counties, cities, and towns throughout the land where is a seaport, commanding them that they do not suffer any such passage of labourers. And it is also agreed that the commissions made to justices of labourers in every county be repealed, and that henceforth none such be granted.

Labourers not to pass beyond sea.

Commissions to Justices of labourers repealed.

Also, it is agreed and established, that in maintenance of the execution of the statutes aforesaid, two prudent men, learned in the law, having associated with them by the King's council two of the most substantial men of the county, be assigned by commission to inquire twice a year in every county respecting those who break the articles aforesaid, and to hear and determine such cases thereunder as shall come before them by indictment, or at the suit of the party, and of the different other articles which shall be contained in the said commission, according to the penalties thereof in the said statutes contained, without doing favour to anyone, and to certify into the Chancery from time to time that which shall have been done by them therein.

XXXV.

That enquiry be made of those articles heretofore broken, and by commission of the King to hear and determine them.

Also, our lord the duke of Clarence, lieutenant of our said lord the King, in Ireland, and the Council of our said lord the King there, the earls, barons, and commons of the land aforesaid, at this present Parliament assembled, have requested the archbishops and bishops, abbots, priors and other persons of religion, that they cause to be excommunicated, and do excommunicate the persons contravening the statutes and ordinances aforesaid, and to fulminate other censures of Holy Church against them, if any, by rebellion of heart, act contrary to the statutes and ordinances aforementioned. And we, Thomas, archbishop of Dublin ; Thomas, archbishop of Cashel ; John, archbishop of Tuam ; Thomas, bishop of Lismore

XXXVI.

Excommunication of persons contravening these statutes.

Evesq, de killalo, William Evesq, de Ossorie, John Evesq, de Leighlin, et John Evesq, de Clon esteantz presentz en le dit pliaiment a la request nre dit tresdouce f^{or} le Duc de Clarence lieuten^{ant} nre f^{or} le Roy en Ireland et les f^{or} et cōes au^{nt}tditz en le countreueñcz les estatuz or^l ordenaunc^e suisdōes lo^r temps transpassis precedauntz sentens de excommgement fulminons et excommengemus p cest present escript res^rvauntz et chescun de nous res^rvant la absolucion de nous mesmes et de nous subgitz sil ne soit en pill de morte.

Explicunt Statuta Kilkenise.

¹ & in the other MSS.

and Waterford ; Thomas, bishop of Killaloe ; William, bishop of Ossory ; John, bishop of Leighlin ; and John, bishop of Cloyne, being present in the said parliament, at the request of our said most gracious lord the Duke of Clarence, lieutenant of our lord the King, in Ireland, and the lords and commons aforesaid, passing over the time preceding, do fulminate sentence of excommunication against those contravening the statutes or ordinances aforesaid, and do excommunicate them by this present writing, reserving, and each of us reserving, the absolution of ourselves and of our subjects, if they be in peril of death.

Here end the Statutes of Kilkenny.

42 EDWARD III. A.D. 1368.

OF AN ORDINANCE MADE CONCERNING THE LAND OF IRELAND.¹

Grievous state
of Ireland.

Lately by the grievous and frequent complaint of our faithful subjects, prelates, earls, barons, and other magnates and the commons of our land and lordship of Ireland, it was shown to us and to our great council how the Irish and others, our enemies there, rode in hostile array through every part of the said land, committing homicides, robberies [and] arsons, pillaging, spoiling, and destroying monasteries, churches, castles, towns, and fortresses, without showing reverence or respect to God, or to Holy Church, or to any person, to the great shame and disherison of the king and of his loyal subjects, so that the land was at point to be lost, if remedy and help were not immediately supplied.

Parliament
summoned to
provide
remedy.

Whereupon our lord the king, desiring very earnestly, by the aid of our Lord, to bring the matter to a good and speedy relief, and thinking that by his faithful subjects of Ireland, who suffer and have suffered such injuries and mischiefs and who live continually therein, he could be the better advised, and good counsel and ordinance be given in this case, by his special mandate made under his great seal and passed by the advice of his great council, by sufficient notice and summons beforehand, caused to be set and established in his said lordship a general parliament of the prelates, earls, barons, and other lords, wise men and commons, his liege and faithful subjects there, to advise and counsel him upon the said matter, which so highly touched his estate and that of his crown; the which subject having been well and long

Held at Dublin.

debated between them in the said parliament held at the city of Dublin on the Monday next before the feast of the Invention of the Holy Cross² last past, at length it appeared and seemed to them in particular and in general, that the said mischiefs could not in any wise be redressed and amended, nor the said land succoured, except by the coming and continuous residence of the earls, nobles, and others of his realm of England, who have inheritance in the said land of Ireland, in their own persons or by their strong men, sufficient and well equipped for war, upon their lordships, lands, possessions, and inheritances within the said lordship of Ireland, for recovering their inheritances there lost, opposing the said mischiefs, [and for] the preservation of the estate of our lord the king, and of the rights of his crown, and the aid of the lands aforesaid.

Necessity for
landowners
to reside in
person or
supply men at
arms.

And that they and each of them might and ought to be driven and compelled to do this quickly and within short space, considering that upon the first conquest of the said land of Ireland, made by his good ancestors, then kings of England, many honours, lands, possessions, and inheritances, being within the said lordship of Ireland, were given and granted in inheritance by his said ancestors to many noble persons and others of his realm of England, in order that they should continually reside and dwell in their own persons with their families upon the said conquest, to defend and maintain it for ever thereafter against all men who should attempt to rise or to rebel against the said conquest, on his fealty and allegiance. And that his said subjects of England having inheritances in such manner in his said lordship of Ireland, have, since obtaining their inheritance, for the most part dwelt in England and elsewhere, and drawn and levied the fruits and revenues

Landowners
drawing
revenues
generally
absentees.

¹ The text, taken from Close Roll (Engl.) 42 Edward III., m. 4d., is printed in Rymer's *Fœdera*, Vol. III., part 2, p. 864. See also Betham's *Early Parliaments of Ireland*, p. 302.

² This feast was celebrated on 3rd May.

of their said inheritances without defending them, and without doing their duty in this case, whereby all the said evils and mischiefs without any opposition have occurred.

And upon these points they agreed finally. The which advice and agreement was fully reported and notified to the King and to his council by the prelates and other magnates of the said parliament, under their seals.

And afterwards postponing the matters under consideration, our said lord the King was again fully assured by his said magnates and subjects of Ireland, that the said evils and mischiefs were renewed, multiplied and greatly increased, so much so that his said lordship of Ireland was for the most part destroyed and lost, as they caused him to know by their letters, requiring aid and help in the way which was agreed upon, assented and required by their said parliament.

Our said lord the King, having had long and mature consultation and advice upon all the said matters and the circumstances thereof, for the said and other reasonable causes which moved him hereto, and especially for the preservation, recovery, and defence of his lordship aforesaid, by the advice and express consent of the peers, prelates, dukes, earls, barons, nobles, magnates, and wise men of his council, for this purpose in his presence assembled, of his certain knowledge and royal authority, accepting and adopting the advice and assent of the parliament aforesaid, seeing clearly the need and want to be so very great that otherwise his said land and lordship would be utterly destroyed and lost;

Has declared, willed, and ordained that all those of the realm of England, be they prelates, dukes, earls, barons, or others of whatsoever estate, degree, or condition, who have or claim to have any lordships, lands, or possessions or other inheritances whatsoever within his said lordship of Ireland, go thither, and each of them henceforth reside continuously upon their lordships, lands, possessions, and inheritances aforesaid; and that they go thither, each of them in his own person, with their families and men at arms and others, according to the proportion and quantity of the inheritances which they have and claim to have there, all excuses, delays, or essoins ceasing.

Enactments.

Those in England having lands in Ireland to reside on them.

And if for great and urgent necessity or other reasonable cause whatsoever, they cannot in any way go and dwell there in their own persons, the which cause shall be shown to, discussed and approved by the King and his council, then each of them shall send men at arms and others, sufficient and well equipped, to remain and dwell on their said inheritances in Ireland, at their own costs and expense, for the defence, government, and conquest of the lands, lordships, and inheritances aforesaid, as if they and each of them were there in their own persons, ceasing all impediment.

If unable, to supply men at arms there for defence,

And if such sufficient impediment thereto be approved, as is aforesaid, that they send thither men at arms and others in a sufficient number, and according to the proportion and quantity of their inheritances in Ireland, as is aforesaid, before the feast of Easter next ensuing. And if they are not there in their own persons with their families and men at arms and others, or send not thither at the time and in the manner which is aforesaid, then immediately all the lords and others of England, of whatever estate, degree, or condition they be, shall be deprived of their lands, lordships, possessions, and inheritances, situated within his said lordship of Ireland; and they shall be applied to his [the King's] own [use], to ordain and dispose of them at his free will, and as it shall seem good to him for the preservation, defence, and support of his lordship aforesaid. Any challenge or contradiction whatsoever in any case whatsoever for the time to come notwithstanding.

before next Easter.

On default, to be deprived of the lands, &c.

By the King himself and council.

1 RICHARD II. A.D. 1377.

[CLOSE ROLL, 1 RICHARD II., ARTICLE 82.]

MEMORANDŪ qđ cum Justiċ Cancellar̄ Theſi & alii de consilio dñi Regis in Hibñ ac p̄lati magnates poeres & cōes p̄re Regis Hibñ in pliamento dñi dñi Regis apud Tristel. dermot die Lune p̄x post fm Cistum Anno p̄senti sūmonito & tento comparentes, in eodem pliamento int̄ cēsa ad inuicem t̄ctantes & consulentes qualiſ Murḡh Obryen qui cum magna potencia Hibnicoſ pciū Momoñ in ptibz Lageñ iam existit & fideles dñi Regis d̄caſ pciū Lageñ in adiutoriū Hibnicoſ dñi dñi Regis eazdem pciū Lageñ guerrare & d̄cas ptes Lageñ iuxta vires suas quod absit destruere pponit & deuastare, ab eisdem ptibz Lageñ cum potencia sua p̄d̄ca melius & cicius ret̄hi possit. Ita qđ dampnū aliquod d̄cis ptibz Lageñ nec fidelibz dñi Regis iſm decepto minime ppet̄ret; de eoſ auisamento ibidem adiutenciū dampna & destrucōes que d̄cus Murḡh cum d̄ca potencia sua in d̄cis ptibz Lageñ absq̄ resistencia aliqua lenit̄ facit si morā ul̄iore ibidē t̄heret Concordatū est & ordinatū qđ idem Murḡh heat centū marcas sub tali condiċoe videt̄ qđ ip̄e cū potencia sua p̄d̄ca a d̄cis ptibz Lageñ ad ptes suas pprias absq̄ dampno aliquo d̄cis ptibz Lageñ aut fidelibz Regis ibidem nunc nec vnq̄m impostum p se nec suos faciend̄ se ret̄hat indilate ad quod faciend̄ idem Murḡh coram p̄d̄cis Justiċ Cancellar̄ Theſi & consilio tactis sacrosċis ewangeliiſ sacrm̄ p̄stitit corpale sup quo clerus magnates & cōes Com̄ Dubliū Kildar̄ Kilkenū & Weyſ d̄cas Centum marcas nouē marcis exceptis ad opus ip̄ius Murḡh ex causis p̄d̄cis solūe & de eisdem

1 RICHARD II. A.D. 1377.

BE it remembered that whereas the Justiciar, chancellor, treasurer and others of the council of the lord the King in Ireland, and the prelates, magnates, nobles and commons of the King's land of Ireland, in a parliament of the said lord the King at Tristeldermot on Monday next after Ash Wednesday in the present year, summoned and held, appearing, in the said parliament among other things in due course treating and consulting how Murgh Obryen, who with a great force of Irish of the parts of Munster is now in the parts of Leinster, and meditates making war on the lieges of the lord the King in the parts of Leinster, in aid of the Irish of the said lord the King, of the said parts of Leinster, and destroying and devastating the said parts of Leinster to the best of his power (the which be averted !), might best and most speedily be put back, with his said force, from the said parts of Leinster ; so that henceforth as little injury as possible might be inflicted on the said parts of Leinster and on the lieges of the lord the King there. With the advice of those there, considering the losses and destructions which the said Murgh with his said force could easily inflict on the said parts of Leinster, without any resistance, should he stay there longer, it is agreed and ordained that the said Murgh have one hundred marks on this condition—namely, that he withdraw without delay with his said force from the said parts of Leinster to his own parts, without any injury to the said parts of Leinster or the lieges of the King there; now or ever hereafter by himself or his [followers] to be inflicted ; for doing which, the said Murgh before the said Justiciar, chancellor, treasurer and council, took his corporal oath on the Holy Gospels ; whereupon the clergy, magnates and communities of the counties of Dublin, Kildare, Kilkenny and Wexford freely granted the said one hundred marks (save nine marks) to be paid to the use of the said Murgh for the reasons aforesaid, and of the said clergy

Murgh Obryen
subsidised, on
condition of
withdrawing
from Leinster.

clero & cōibꝫ leuari g^atant^o concesserunt videt^r de clero Dublin
dioč xii marč de clero Darenš dioč vi marč De clero Ossor
dioč Ciii solidi iiiid De clero fferneñ dioč vi marč De cōibꝫ
Coñ Dubliñ x marč De Ciuitate Dubliñ iiii marč De cōit:
Coñ Kildar xii marč De cōibꝫ Coñ Kilkenñ xi li. iii solidi
iiii d. De cōibꝫ Coñ Weyš xvii marč & dī Insup q. dā
Justiç Cancellar^r Theš & consiliū p^rdcēm videntes qd sūme p
p^rdcōs clerū & cōes p^rfato Murg^h ut p^rdicat^r consesse ad C. mar
integras nullaten^o extendebant et qd p^rdcus Murg^h a dēis p^ribꝫ
Lagen cū dēa potencia sua exire noluit nisi sibi de p^rdcis C
marč iuxta concordia & ordinaçoem p^rdcas plena^r f^ruit satisfcū
p eosdē Justiç Cancellar^r Theš & consiliū, concordatū est qd dē
ix marč p^rfato Murg^h in psoluçoem dcaꝝ C. marč de th^ro dñi
Regis soluant^r et qd b^re de libate de dēis ix marč fiat Theš &
Camar^r de sc^acio ad easdem ix marč p^rfato Murg^h in forma p^rdcas
soluend^r & liband.

and communities to be levied ; namely, the clergy of the diocese of Dublin, 12 marks ; the clergy of the diocese of Kildare, 6 marks ; the clergy of the diocese of Ossory, 103s. 4d. ; the clergy of the diocese of Ferns, 6 marks ; the communities of the county of Dublin, 10 marks ; of the city of Dublin, 4 marks ; the communities of the county Kildare, 12 marks ; the communities of the county Kilkenny, £11 3s. 4d. ; the communities of the county Wexford, 17½ marks. And moreover, the said Justiciar, chancellor, treasurer and council, seeing that the sums by the said clergy and communities, granted as aforesaid to the said Murgh, by no means amounted to clear one hundred marks, and that the said Murgh was unwilling to depart from the said parts of Leinster with his said force, unless full satisfaction of the said hundred marks, according to the agreement and ordinance aforesaid, were made him by the said Justiciar, chancellor, treasurer and council ; it is agreed that the said nine marks be paid to the said Murgh in part payment of the said hundred marks, out of the treasury of the lord the King, and that a writ of *Liberate* of the said nine marks be made to the treasurer and chamberlains of the Exchequer, for payment and delivery of the said nine marks to the said Murgh in form aforesaid.

3 RICHARD II. A.D. 1380.

PRO HIBERNIA SEQUUNTUR PETITIONES LIBERATÆ IN PRESENTI PARLIAMENTO
UNA CUM RESPONSIONIBUS EISDEM EIDEM FACTIS. ¹

THERE FOLLOW PETITIONS ON BEHALF OF IRELAND DELIVERED IN THE PRESENT
PARLIAMENT, TOGETHER WITH THE ANSWERS THERE MADE TO THE SAME.

Concerning the lands and benefices in Ireland of those who are not dwelling there, as well prelates, lords and ladies, as others, in some cases it seems hard to dispose of all the profits of the said lands and benefices for the carrying on of the wars there, as was heretofore ordained, and as the indenture of their *message* requires, be it ordained that such benefices and lands answer for the wars, finding men-at-arms and hobelars according to their proportion, doing also in all other points as others of their degree dwelling in the said land shall do, namely, that they be compelled to re-fence their castles and fortalices in the said land, in default of which, in that they are so ruinous, the land is greatly weakened and the marches laid waste.

All having
lands, &c., in
Ireland, to go
and reside
there.

Answer²: Because our lord the King has heard by the certificate of his faithful subjects of the land of Ireland, prelates, nobles, and commons, that the said land has been both much damaged and impoverished because many of the subjects of our said lord the King, having lands, rents, benefices, offices and other possessions in the said land, are not resident or dwelling there, but absent themselves and are out of the land, taking and drawing to themselves out of the said land the profits and revenues of the said lands, rents, possessions, benefices and offices; and some allowing the castles and fortresses belonging to them in the said parts to go to ruin and to be without guard, rule, and government, to the great danger of the said land and of the said subjects; by which causes the Irish rebels in the said land are increased and increasing and prevailing from day to day, and the said lieges are the less able to have power of opposing their malice, so that the said land is at point to be lost, to the disinheritation of our said lord the King and of his crown of England, if some speedy remedy be not hereupon ordained. It is ordained by our lord the King, with the advice and assent of the lords and nobles of his realm in this Parliament being, that all manner of men, of what state or condition they be, having there lands, rents, benefices and offices, and other possessions whatsoever, betake themselves to the said land of Ireland between this and the Nativity of St. John next coming, and henceforth reside and dwell there, to the aid and strengthening of the said faithful lieges, to guard and defend the said land against the said Irish rebels; that all those who have castles and fortresses in the said land cause them to be repaired and kept in a suitable condition, and send thereto good and safe guard, for the preservation of the said castles and fortresses, under the penalty that thereto attaches.

Castles, &c., to
be repaired
and guarded.

¹ The text, taken from *Rot. Parl.* 3 Ric. II. m. 2, n. 42 is printed in Prymme's *Animadversions* (1699), p. 307.

² This portion, as to the Statute of Absentees, is found with a somewhat varying text in Carew MS. Lambeth, No. 617, p. 157. See writ 1 Hen. IV., commanding the observance of this Statute in Ireland.

And in case any of those who have lands, offices, rents, benefices, or other possessions in the said land, be for reasonable cause absent from the said land after the said feast, then for the time of their absence that they be bound to send and to find there men for defence, in their places, in defence of the said land, as necessity shall require, having regard to the quantity and to the value of the said lands, rents, offices, and other possessions. And if they do not this, that the two parts of the profits of their lands, rents, offices and possessions aforesaid be levied and employed for the guard and defence of the said land, by the advice of the justiciars and governors of the said land for the time being. Always excepting that the benefices of those who are in the service of the King, or students in universities, or out of the said land for reasonable cause, by the licence of the King under his great seal in England, shall not be taken or applied to the said guard and defence, save only the third part of the value thereof, after the ordinary and necessary charges have been deducted, according to the certificate of their ordinaries.

If absent of necessity, to send men to defend.

Saving such as are in the King's service, or students in Universities.

Further, whereas merchants, for their own profit, carry away from the land, gold and silver to make their merchandises, so that there is little or none in the said land, whereby the said lieges are greatly impoverished, may it please our lord the King to ordain and grant in the said land the right of mining and coinage, that is to say, the right of mining all manner of metal and of coining gold and silver, and that each lord of the land within his lordship may have the right of mining, making plate to convert into bullion, or to make vessels and other their necessary articles, without sending or carrying it as merchandise out of the land. And hereupon to require miners and workers to put this ordinance into execution.

The King is pleased that each man have power to mine and dig within his own soil in the said land, gold, silver, and all other metals, for six years next to come, yielding to the King the ninth part, and that they make plate or piece of gold and silver which they shall so dig, and carry it to the King's mint, within the city of Dublin, taking in exchange there the King's money to the value; saving the lordship of the King, and the fees accustomed for the said minting, so that the said piece or other bullion be not sent or carried, by way of merchandise or in any other manner, out of the said land without special leave of the King by his letters, except into England, under penalty of forfeiture thereof, if it be found, or of the value, to be paid by him who shall be attainted thereof.

Owners allowed to mine for gold, silver, &c.

Further, that the merchants of Portugal and of Lisbon may come safely into Ireland with wines and other merchandises whatsoever, and there dwell and return freely. And likewise that the merchants of Ireland may freely and without impeachment go with their merchandises to the said parts of Portugal and of Lisbon; and that of this, proclamation be made at Bristol and elsewhere in England, and in Ireland where there shall be need; and that patents and writs of our lord the King be made thereof, so many and such as shall be required, and this for the profit of the King and great relief of his land of Ireland.

Freedom of intercourse requested for merchants.

Answer: The King our lord, by the advice of his council, will ordain a remedy therefor.

Remedy to be provided.

4 RICHARD II. A.D. 1380.

[PATENT ROLL, 5 RICHARD II., PT. 1, ART. 242.]¹

PRELATI Cleri Magnates & Cōes fr̃e ñre hīb̃n [in]²
 pliamēto ñro apud Dubliū die sab̃ti in crastino alax
 anno regni ñri quarto sūmonito & tento compentes . . .³
 & liāa voluntate in^l cēsa p̃ ip̃os in saluaōem & defensionem
 d̃ce fr̃e ñre in d̃co pliamēto concess̃ . . .³ quasdam
 puas novas custumas p̃ tribz annis p̃x futu^r de m̃candis̃ &
 rebz subscriptis in nauibz in eadē [fra]³ & extra eandem fran
 ducend̃ in singlis portubz & locis maritimis eiusdem fr̃e ñre vbi
 naues aliquē a . . .³ piscem capiend̃ in mari in^lfr̃int
 leuand̃ & p̃cipiend̃ put alias tempore d̃ni E. nup̃ Regis Angl
 aui [ñri anno regni]³ sui Angl quadagesimo f̃cio concess̃e leuate
 f̃liant & recepte vidett De quatt lasta alleciū tres solid̃ [de
 quolihet]³ centū pisciū magnoz duodecim denarios. De quott
 centū pisciū puoz sex denarios. De quott dolio salmonū qu
 [atuor solidos]³ De quatt pipa salmonū ducos solidos. De quott
 dolio vini sex solidos & octo denarios. De quatt pipa vini tres
 solidos & quatuor denarios. De quatt librata Carniū bou
 porcoz & ouīū sex denarios. De quatt Weia frumentū sex
 solidos & octo denarios. De quatt Weia brasei fabaz pisaz ordiū
 siliginis auenaz & hastiuelli quinq solidos. De [quatt]² Weia
 salis sex solidos & octo denarios. De quatt librata corioz equoz
 f̃uo^r affroz ac etiam pylfell [* pannorum]² laneoz ac falingaz &
 alioz m̃cimonioz quozcunq sex denarios.

¹ Recited in a writ dated 16 June, appointing John Ryuars to collect customs in Ulster ports.² Obliterated.³ Torn.

4 RICHARD II. A.D. 1380.

THE prelates, clergy, magnates and commons of our land of Ireland, in our parliament at Dublin on Saturday in the morrow of Souls, in the fourth year of our reign summoned and held, appearing and free will, among other things by them for the safety and defence of our said land in the said parliament granted certain small new customs to be levied and taken for three years next to come, Small new customs to be levied. of the merchandises and commodities undermentioned, to be conveyed in ships into the said land and out of the said land, in the several ports and maritime places of our said land where any ships were for taking fish in the sea, as on another occasion in the time of the lord Edward, late King of England, our grandfather, in the forty-third [year of his reign] of England, were granted, levied and received, namely, of every last of herrings, three shillings; [of every] hundred of large fish, twelve pence; of every hundred of small fish, six pence; of every tun of salmon [four shillings;] of every pipe of salmon, two shillings; of every tun of wine, six shillings and eight pence; of every pipe of wine, three shillings and four pence; of every librate of the flesh of oxen, swine and sheep, six pence; of every way of wheat, six shillings and eight pence; of every way of malt, beans, pease, barley, siliginum, oats and hastiuell, five shillings; of every way of salt, six shillings and eight pence; of every librate of the hides of horses, deer, afers and also pylfells, [cloths] of wool, and cloaks and other goods whatsoever, six pence.

4 RICHARD II. A.D. 1380.

[CLOSE ROLL, 4 RICHARD II., ART. 100.]¹

. p̃lati & Cleri f̃re ñre Hiḃe
in pliam̃to ñro apud Dubliṃ die sab̃bi in Crastino aīaꝝ p̃
p̃t̃ito sūmonito & tento comparentes de eoꝝ cōi assensu & lib̃a
voluntate inf̃ cēsa p̃ ip̃os in saluaçoem & defensiōem d̃cē f̃re
ñre in d̃cō pliam̃to ordinata & concessa concesserint quoddam
subsidiū videt̃ de tempalibꝫ & sp̃ualibꝫ suis taxatis vñam
decimam p̃ anno p̃x̃ futuṛ s̃c̃dm̃ taxam iam currentem et de
quatt̃ Carucat̃ f̃re temporalīū suoꝝ noũ taxatoꝝ sex solidos &
octo denarios p̃ anno p̃d̃cō f̃ris suis taxaī & non taxatis quas
ip̃i sumptibꝫ pp̃riis ad mensas suas colunt & glebis eccl̃iaꝝ
om̃ñio exceptis. Ita semp̃ q̃d de b̃nficiis seu f̃ris suis in toto
vastatis nichil exigat̃ et q̃d b̃nficia seu f̃re sua in pte vastata
iuxta ratam p̃tis non vastate s̃c̃dm̃ taxam p̃d̃cā offent̃.
Necnon de quatt̃ librata catalloꝝ tenenciū suoꝝ qui f̃ras non
colunt sex denarios p̃ anno sup̃d̃cō.

4 RICHARD II. A.D. 1380.

[CLOSE ROLL, 4 RICHARD II., ART. 116.]²

. inf̃ cēsa in pliam̃to d̃ni
E. nup̃ Regis Angl̃t̃ aui ñri apud Kilkenṃ die Jouis p̃x̃ post
festum Cinerū anno regni d̃c̃i aui ñri quadragesimo tento edita
ac p̃ nos in vltimo pliam̃to ñro apud Dubliṃ tento confirmata
statutū existat̃ q̃d nullus homo hiḃnicus vel scotus nec aliquis
inimicus ñr̃ ad pf̃essiōem alicuiꝫ domus religiose exempte vel
non exempte inf̃ Anglicos in f̃ra ñra Hiḃe situate admittat̃ set
q̃d gentes Anglice naçois tam de Angl̃t̃ q̃m de Hiḃe ad huiꝫ
pf̃essiōem admittant̃ et q̃d temporalia ip̃oꝝ qui aliḃ fec̃int &
inde f̃ūint attincti in manus ñras seisiānt̃ in d̃c̃is manibꝫ ñris
ad voluntatem ñram moratuṛ.

¹ Recited in a writ as to levying the subsidy, dated 24 Dec. addressed to the Archbishop of Dublin.

² Recited in a writ dated 24 Nov. addressed to the Abbot of St. Mary's, Dublin, commanding observance by him and his house.

4 RICHARD II. A.D. 1380.

. The prelates and clergy of our land of Ireland appearing in our parliament, summoned and held at Dublin on Saturday in the morrow of Souls last past, of their common assent and free will, amongst other things, by them for the preservation and defence of our said land, in the said parliament ordained and granted, granted a certain subsidy, that is to say, of their temporal and spiritual possessions which are taxed, one tenth for the year next to come, according to the valuation now current, and of every carucate of land of their temporalities not taxed, six shillings and eight pence for the said year, their lands taxed and untaxed which they cultivate at their own expense for their mensals, and the glebes of churches altogether excepted. Provided always that of their benefices or lands which are completely wasted, nothing be exacted, and that their benefices or lands which are partly wasted be charged proportionately to the part not wasted, according to the said valuation. And of every librate of chattels of their tenants, who do not cultivate lands, sixpence for the year aforesaid.

4 RICHARD II. A.D. 1380.

. Amongst other things published in a parliament of the lord Edward, late King of England, our grandfather, held at Kilkenny on the Thursday next after Ash Wednesday, in the fortieth year of the reign of our said grandfather, and confirmed by us in our last parliament held at Dublin, it was enacted that no man, Irish or Scot nor any our enemy, be admitted to the profession of any religious house, exempt or not exempt, situated among the English in our land of Ireland, but that persons of the English nation, as well of England as of Ireland, be admitted to such profession, and that the temporalities of those who shall do otherwise and thereof be convicted, be seized into our hands, to remain in our said hands at our pleasure.

Irish Statute
40 Ed. III.,
c. xiv. con-
firmed.

No Irishman
or Scot to be
admitted to
the profession
of a religious
house.

9 RICHARD II. A.D. 1385.

[CLOSE ROLL, 9 RICHARD II., m. 1 d. ART. 3.]

p cōitate Pre hībñ } R locū nrm tenenti in Pra nra hībñ.
 de non molestando } Cancellar ac Theſ & Baroñ de Sc^acio nro
 cont^a libtatem. } Pre nre p̄dce necnon Justiç nris de utroq
 banco nro ibm cefisq ministris nris p totam Fram nram p̄dcam
 vbilibt constitutis¹ supplicarunt nob̄ p̄lati & pceres
 maiores ac cōes Pre nre p̄dce in magno nro consilio die lune
 p̄x . . .¹ festum sc̄i Michis p̄x p̄f̄ito apud Dubliñ
 celebrato vt cū ipi & eoꝝ p̄decessores de¹ aut feloniam
 & contractu quolt extra dcam Fram nram seu iudicio inde
 reddito libe¹ possidissent priuilegiū libtatis qd
 contra incolas seu cōmorantes cui⁹lt condiçois¹
 virtute b̄ris nri cuiuscūq ante hec tempa extra Angt in dcam
 Fram nram directi execuçō . . .¹ fieri debuisset nec
 facta extitisset, velim⁹ in ipsoꝝ libtatū uel priuilegioꝝ p̄dcoꝝ
 saluaçōem . . .¹ hui⁹ b̄riū nroꝝ extra regnū nrm Angt
 ante hec tempa directoꝝ vel imposum dirigendoꝝ vsq[ue ad]¹
 p̄xm nrm pliamētū in eadem Pra nra tenend suspendere
 supsedere & *eidem*.² Nosq libtates [uel]¹ priuilegia p̄dca
 dcoꝝ supplicantiū scdm legem & consuetudiem Pre nre p̄dce
 conseruare vole[ntes]¹ illesa voꝝ & cuilt vrm mandam⁹ qd
 virtute hui⁹ b̄riū nroꝝ voꝝ seu alicui vrm extra re[gnum]¹ nrm
 p̄dcm hucusq directoꝝ vel imposum dirigendoꝝ vsq ad
 pliamētū nrm p̄dcm in d[ca] Pra nra vt p̄mittit⁹ tenend
 nichil attemptetis quod contra hui⁹ libtates & priuilegia
 al .¹ infra dcam Fram nram cōmorantū . . .¹ ere
 posset in dampnū set execuçōm inde faciend .¹
 omnino supsedeatis et quilt vrm supsedeas nisi b̄ria alia sup
 occupaçōe aliqua in eadem Pra p iudiciū ibm redditū facta voꝝ
 seu alicui vrm sint directa. T. p̄f̄ato locū tenente apud
 Dubliñ xx^{mo} die Octob̄r.
 p petiçōem de cons.

¹ Obliterated.² So in original.

9 RICHARD II. A.D. 1385.

THE King to our lieutenant in our land of Ireland, the chancellor and treasurer and barons of our Exchequer of our said land, also to our justices of both our benches there, and to the rest of our officers throughout the whole of our said land wheresoever constituted, [greeting. Whereas] the prelates and nobles, chief men and commons of our said land in our great council held at Dublin on the Monday next . . . the feast of St. Michael last past, made petition unto us that whereas they and their predecessors . . . of . . . or felony and contract whatsoever out of our said land or of judgment thereof rendered freely . . . possessed the privilege of liberty that against inhabitants or persons dwelling there of whatever condition . . . by virtue of any writ of ours whatsoever, before this time directed out of England into our said land, execution ought [not] to be made, nor having been made, should it have stood, we should be willing, for the preservation of their liberties or privileges aforesaid, to suspend, surcease and . . . [the execution] of such our writs out of our kingdom of England before this time directed or hereafter to be directed, until our next parliament to be held in our said land. And we willing to preserve unhurt the aforesaid liberties [or] privileges of the said petitioners, according to the law and custom of our said land, command you and each of you that by virtue of such our writs to you or to any of you, out of our kingdom aforesaid hitherto directed or hereafter to be directed, until our said parliament in our [said] land to be held, as is aforesaid, you attempt nothing which could . . . against such liberties and privileges of any persons dwelling within our said land to their injury, but from the execution thereof to be made . . . you altogether surcease and each of you surcease, unless other writs made upon any recovery in the said land, by judgment there rendered, be directed to you or any of you.

For the community of the land of Ireland, as to not being molested against liberty.

In execution of writs out of England.

Witness our aforesaid lieutenant at Dublin the 20th day of October.

By petition of the Council.

9 RICHARD II. A.D. 1385.

[CLOSE ROLL, 9 RICHARD II., m. 3 f, ART. 18.]¹

Concordia
facta pro
Nunciis
v⁹us partes
Anglie mit-
tendis.

PRELATS f^rs & cōes assemblez as counseils darrein tenuz
a Diuelyn & Kilkenñ y cest p^sent an, moustret a eux
illeoq̄s issint assemblez p le lieu tenaunt & conseil du Roy les
meschiefs & f^s g^{unt} pils es qux la f^re dirland la f^rie du Roi &
ses pources lieges soūt en celles pties & coment & en quel
mafi ils soi p^rount eider en temps auenir ou p lo^r mesmes sils
soient de poair ou en ascun au^f mafi et s^r ceo les auuaunt ditz
p^lats f^rs & cōes ount responduz qils consideranz le g^{unt} poair
des enemis irrois & rebeux englois si bien p lo^r force p^{pr}e come
au^fs enemys descoco & despaigne & aillo^rs a eux confederes &
auxi feblesse & poūt des engleis lieges qil ne poont en nulle
mafi lo^r mesmes eider ne recou^r sanz effectuel aide & recou^r
de lo^r f^r liege le Roi q̄ a cest p^{ch}ñ seisoñ come y semble f^ra
fait conquest de la greindre ptie de la f^re dirland p quoi as
ditz counsels les susditz p^lats f^rs & cōes oue g^{unt} delibacion &
au^fs veauz & consideranz la matere susdite & le conquest
apparaunt si pst pmy la f^re ne poent ne sauont autre remede
troū ne penser si noñ la venue du Roi n^re f^r en sa p^{pr}e p^{so}ne
desirranz & requeranz effectuellement de ditz lieutenaunt &
conseil qils p^ront eslire c^{te}ins messa^gs p^r moustrer a lo^r dit
f^r liege les meschiefs dessusditz & ent p^rsuyr daū remede Surqoi
as ditz counsels les ditz p^lats f^rs & cōes illeoq̄s adonq̄s assemblez
p le lieu tenaunt entre eux p^sent p lo^r liegeance chargez qils
deussent eslire messen^gs sufficeanz p^r enuoier a n^re dit f^r le
Roi p^r ent luy moustrer les meschiefs & pils susditz & de
supplier f^s humblement a sa haut mageste dep les auaunt ditz
p^lats f^rs & cōes qil soi vodra tailler en sa p^{pr}e p^{so}ne de s^rueer

¹ Taken from exemplification of enrolment of an agreement made by the prelates, &c., dated 14 Jan.

9 RICHARD II. A.D. 1385.

THE prelates, lords, and commons, assembled at the councils last held at Dublin and Kilkenny in this present year, it is shown to them there so assembled, by the lieutenant and council of the King, the mischiefs and very great perils which the land of Ireland, the seignory of the King, and his poor lieges have in these parts, and how and in what manner they could help themselves in time to come, either by themselves if they should possess the power, or in any other manner; and thereupon the aforesaid prelates, lords and commons have answered, that they, considering the great power of the Irish enemies and English rebels, as well by their own strength as other enemies of Scotland and Spain and elsewhere confederated with them, and also the weakness and poverty of the English lieges, that they are not able in any way to help themselves, nor to recover, without effectual help and recovery of their liege lord the King; that at this next season, as is likely, there will be made a conquest of the greater part of the land of Ireland; on which account at the said councils the abovesaid prelates, lords and commons, with great deliberation, and others viewing and considering the above said matter, and the conquest appearing so imminent upon the land, are not able nor know how to find or think of other remedy except the coming of the King, our lord, in his own person; desiring and demanding effectually of the said lieutenant and council that they should choose certain messengers to show to the said liege lord the mischiefs abovesaid and to sue for remedy of them. Whereupon at the said councils, the said prelates, lords and commons there then assembled, were charged by their allegiance, by the lieutenant present among them, that they ought to choose messengers sufficient to send to our said lord the King, to show him the mischiefs and perils abovesaid and to pray very humbly to his high majesty on behalf of the aforesaid prelates, lords and commons, that he would prepare in his own person to survey and visit his said seignory, for the

Weakness of
the country.

Presence of
the King
necessary in
Ireland.

ɛ visiter sa dit ɛrie en rescous ɛ saluacion dycelle ɛ en **resistence**
 del conquist semblable en hast affaire ɛ en saluacion de **ser**
 poures lieges en celles pties les ditz Prelats ɛs ɛ cōes issint p
 loʀ liegeance chargez ount esluz les reſents piers en dieux
 lercenesq de Dyuelyn ɛ leuesq dossory pʀ cest message faire
 les ɔux messaɔs ount en charge de fair instance ɛ **penuble**
 diligence a ɛre ɛr le Roi ɔ plesse a sa hautesse visif soɛ dit
 poeple en loʀ ppetuel socoʀ. Et en cas ɔ ɛre ɛr le Roi a **ceo** ne
 voille attendre ɔ dieux defend qadonɔs ils facent instance pʀ
 aveɛ le plus graunt ɛ plus foiable ɛr denglefre en la fre
 dirland qar come loʀ semble autre . . . ne poet la fre . . .¹
 des meschiefs ɔ la dite fre eu ad an ɔsent.

9 RICHARD II. A.D. 1385.

[CLOSE ROLL, 9 RICHARD II., ART. 9.]

IN quodam magno consilio dñi Regis tento apud Dublin
 die Lune p̄x post festū s̄ci Luce Ewanḡle anno ɔsenti
 nobilis dñs dñs Phus de Courtenay locū tenens dñi Regis Hib̄n
 in ɔsencia ɔlatoɔ Magnatū p̄sum ɛ cōum in d̄co consilio
 convocatoɔ publice ɛ palam ptestabatʀ ɛ dicebat ɔd si aliquis
 cuiuscūq status seu condiçois esset qui senseret se fore gʀuatū
 de ɔd̄co locū tenente rōne cuiuscūq extorc̄dis opp̄ssionis iniuste
 capc̄dis aut imprisonmenti p ip̄m locū teɛ vel aliqua alia de
 causa aut ip̄ius mandai ɔd diçent façentʀ aut ostenderent ɛ ip̄e
 incontinenti illud emendaret ɛ reformaret qui oɛs ptestabantʀ
 fatebantʀ ɛ dicebant se in nullo ɔmissoɔ fore gʀuatos nec rōne
 ɔmissoɔ se posse de ip̄o in aliquo conqueri quod idem locū
 tenens petiit ɔd Cancellar̄ Hib̄n ɔmissa recordaret ɛ in rotulis
 Cancellar̄ Hib̄n poçet de recordo.

¹ Obliterated.

rescue and salvation of the same, and in resistance of the conquest likely speedily to be made, and for the safety of his poor lieges in these parts. The said prelates, lords and commons, so by their allegiance charged, have elected the reverend fathers in God the archbishop of Dublin, and the bishop of Ossory, to convey this message, the which messengers have in charge to make urgency and painful diligence to our lord the King, that it may please his highness to visit his said people to their perpetual succour. And in case that our lord the King will not consent to that (which God forbid !), that then they should urge to come into the land of Ireland, the greatest and most trustworthy lord of England, because as it seems to them, the land cannot otherwise the mischiefs that the said land has had this present year.

Messengers
elected to ask
him over.

Failing his
coming, then
some great
lord of
England.

9 RICHARD II. A.D. 1385.

IN a great council of the lord the King, held at Dublin on Monday next after the feast of St. Luke the Evangelist in the present year, the noble lord, the lord Philip de Courtenay, lieutenant of the lord the King, of Ireland, in the presence of the prelates, magnates, chief men and commons in the said council assembled, publicly and openly made declaration and said that if there were any, of whatever state or condition, who felt that he was aggrieved by the said lieutenant by reason of any extortion, oppression, unjust seizure, or imprisonment by the said lieutenant, or by any other cause or mandate of his, they should speak, confess or show it, and he would immediately amend and remedy it ; and they all declared, confessed and said that they were aggrieved in none of the premises, nor could they, by reason of the premises, complain of him in anything ; and the said lieutenant requested that the Chancellor of Ireland should record the premises and place them of record in the rolls of the Chancery of Ireland.

Declaration
by Philip de
Courtenay,
lieutenant of
Ireland,
as to persons
aggrieved by
him.

12 RICHARD II. A.D. 1388.¹

[LIBER ALBUS (CORPORATION OF DUBLIN) FOL. 91.]

ITEM acordes est e assensus q̄ toutz lez estatntz des Artificeris laborers s̄uauntz e vittailleurs faitz en temps dez nobles pgenitours n̄re s̄r le Roy q̄orest en Englefre soient tenuz e garde en la dit l̄re dirland e duement executz en touz pointz. Et auxint p̄r ceo q̄ lez lowers de tieux Artificers laborers e s̄uauntz nount est myse en c̄teine deu^{nt} ces hours ordeigne est e estable q̄ baille p̄r housbandrie q̄ scieit fair charues e herces p̄r housbandrie preigne p An xij s̄ e le Bailly q̄ ne scieit cella fair x s̄ le mest̄r hyne vii s̄ Charecf vi s̄ chacer de charu vi s̄ bercher iiij s̄ porcher iiij s̄ fēme laborer able p̄r fair payn ēveise e breese vi s̄ autre fēme laborer iiij s̄ Dey iiij s̄ Graunger vi s̄ Garceons dez Chyvaux iiij s̄ Coke able en soñ arte x s̄ Botiller x s̄ valetes Cokes du dit art xl d Mest̄r Mason de franc pier Mest̄r Carpent̄r de franc oñeigne ables dest̄r mestres de lo^r art p le iour entier ii d e aults mestres dez ditz artes p̄r le iour ii d e autres dez ditz Artes p̄r le iour i d oñ Mestres Couours de Sclate Mestres Plastreris dez murs ii d Couours de Stein Oñours des murs e autres labourers ables p̄r s̄uir lez Artificers aunditz p̄r le iour i d batour dez blees de chescun mañ des blees le s̄r ou Mest̄r a q̄i lez blees sont aũa xx buscelles e le batour un buscelle sanz aut̄r regard ou curteisie e p couenant e chescun dez Artificers e laborers susditz p̄ignent lez lowers susditz del fest de Seint Patrik tanq̄ al fest de Seint Michell e del fest de Seint Michele tanq̄ al fest de Seint Patrike chescun en soñ degre un oñ meins en le iour et ceo tantseulement iours laborables e entiers e rien en io^r de festes e demy io^r demy sebery² sanz autre regard ou curteisie p couant a p̄dre, fauches^r dez Preez p̄r le iour ij d e p̄r lacre

¹ This is undated, but as it embodies portions of the Statute 12 Rich. II. (Engl.), it will have been transmitted for observance here after that date, most probably immediately after.

² So in MS. for *salary*.

12 RICHARD II. A.D. 1388.

ITEM, it is agreed and assented that all the statutes of English artificers, labourers, servants and victuallers, made in the time of the noble ancestors of our lord the King that now is, in England, be kept and observed in the said land of Ireland, and duly executed in all points.

And further, because the wages of such artificers, labourers and servants have not been settled for certain hitherto, it is ordained and established that a bailiff for husbandry, who knows how to make ploughs and harrows for husbandry, take yearly 12*s.*; and the bailiff who does not know how to make the same, 10*s.*; the master hind, 7*s.*; carter, 6*s.*; ploughman, 6*s.*; shepherd, 4*s.*; swineherd, 4*s.*; female labourer able to make bread, ale, and malt, 6*s.*; other female labourer, 4*s.*, dairymaid, 4*s.*; granger, 6*s.*; horse-boys, 4*s.*; cook capable in his craft, 10*s.*; butler, 10*s.*; journeymen cooks in the said craft, 40*d.*; master mason of free stone, master carpenter of free work, capable of being masters of their craft, for the whole day, 2*d.*, and other masters of the said crafts for the day, 2*d.*, and others of the said crafts for the day, 1½*d.*; master heliers of slate, master plasterers of walls, 2*d.*; coverers of stone, builders of walls, and other labourers, capable of serving the artificers aforesaid, for the day, 1*d.*; thresher of corn, of every kind of corn—the lord or master to whom the corn belongs, shall have twenty bushels and the thresher one bushel, without other reward or courtesy and by agreement; and each of the artificers and labourers aforesaid shall take the wages aforesaid, from the feast of St. Patrick to the feast of St. Michael; and from the feast of St. Michael to the feast of St. Patrick, each in his degree, one half penny less in the day, and that only for whole working days, and nothing on feast days, and for a half day, half salary, without other reward or courtesy, by agreement to be taken; a mower of meadows for the day,

Wages of
Statutes of
artificers, &c.,
to be observed
in Ireland.

Wages of
servants in
husbandry.
(See 12 Ric.
II., c. iv.)

Wages of
masons,
carpenters,
heliers, &c.
(See 25 Ed.
III., c. iii.)

Threshers.

No wages on
festivals.
(See 34 Ed.
III., c. x.)

Mowers.

saunz maunger ou boire viij d & Syour dez blees en August p' le iour j d & en pays ou lez ditz Artificers & laborers meyns soleient þudr auant ces hures soient ent conteniz de ceo enau^{nt}. Et sy null laborer ou artificer þnt riens outr lez lowers issint ordeignez en cest estatut qillez paient al Roy le trebil de ceo qiles preignent outr lez lowers au^{nt}ditiz. Et celluy q voet suer p' nre fr le Roy deus ceux qeient prise excessiues lowers eit la suit & la moite de ce q le Roy aia del doun le Roy & eit fr qad fraunchise roiale autiel punissement de artificers & laboref dem[']antz deinz sa fraunchise come le Rey ad de ceux q soūt dem[']ant hors de fraunchise et celly q voet suer p' le fr eit la suit & la moite de ce qe fra recoūy del doun le fr. Et auxint acord est q toutz lez comissions faitz as Justic de labore's deinz la fra soient de tout repellez & q disormes nulle tiel cōmission seit g[']unte a nully.

13 RICHARD II. A.D. 1389.

[PATENT ROLL, 13 RICHARD II, ARTICLE 236.]¹

IN pliamento nro apud Kylkonñ die veñis pñ post festū scī Andree apli pñ þñt sūmonito & tento & postea apud villam de Trysteldermot & abinde vsq villam de Balymore & ab eadñ villa de Balymore vsq villam del Naas ex etis causis adiornaī statutū sit & ordinatū qd nullus mīcator nec aliquis alius cuiuscūq fñit status seu condiōis aliquas falcones austureos vel fcellos in fra nra hībñ esse þsumat ad eos infra eandem fram nram vel in Angt aut alibi alicui vendend sub pena forisfcure falconū austureoꝝ & fcelloꝝ sic emptoꝝ & venditoꝝ penes nos ac sub pena inprisonamenti corpoꝝ eoꝝ in hui⁹ casu delinquenciū quousq finem & redempcoem nobiscū fecint in hac pte.

¹ Taken from a writ dated 2nd May, directed to John Cruys and Robert Eure, appointing them to enquire concerning such as act contrary to the Statute, &c.

2*d.*, and for the acre, without food or drink, 8*d.*, and the reaper of corn in August for the day, 1*d.*, and in a country where the said artificers and labourers were accustomed to take less before the present time, that they be content therewith for the future.

And if any labourer or artificer take anything beyond the wages so ordained in this statute, that they pay to the King three times as much as they take beyond the wages aforesaid. And that he who is willing to sue for our lord the King against those who have taken excessive wages, have the suit, and half of what the King shall have, of the King's gift; and that a lord who has such royal franchise have the punishment of artificers and labourers dwelling within his franchise, as the King has of those who dwell without a franchise, and that he who is willing to sue for the lord have the suit, and half of what shall be recovered, of the lord's gift.

Penalty for taking higher wages.

(See 12 Ric. II., c. iv.)

Lords of franchises to punish labourers within their franchises.

(See 31 Ed. III., St. I., c. vi.)

And further, it is agreed that all commissions made to justices of labourers within the land be completely repealed, and that henceforth no such commission be granted to anyone.

Commissions to justices of labourers repealed.

13 RICHARD II. A.D. 1389.

IN our parliament summoned and held at Kilkenny on Friday next after the feast of St. Andrew the Apostle last past, and afterwards at the town of Tristeldermot, and thence for certain reasons adjourned to the town of Ballymore, and from the said town of Ballymore to the town of the Naas, it was enacted and ordained that no merchant nor anyone else, of whatever state or condition he be, presume to buy any falcons, hawks or tercelles in our land of Ireland, to sell them to any one within our said land, or in England or elsewhere, under penalty of the forfeiture to us of the falcons, hawks and tercelles so bought and sold, and under penalty of imprisonment of the bodies of those who transgress in such case, until they make fine and ransom with us in this behalf.

None to buy falcons, hawks, &c., in Ireland, for sale.

15 RICHARD II. A.D. 1391.

[LIBER ALBUS (CORPORATION OF DUBLIN) FOL. 35.]

Statuta Anglie.

RICARDUS dei gr̃a Rex Angl̃ et franc̃ et Dñs hibernie dilectis
 et fidelibz suis locum tenenti Custodi Gũnatori siue
 Justic̃ ñre ñre hibernie ac Cancellar̃ et Thẽs̃ ñris eiusdem ñre qui
 nunc sunt vel qui pro tempore fũint saltm. Constat nob̃ p
 inspectioem rotuloꝝ Cancellar̃ dñi E. nup̃ Regis Angl̃ aui ñri
 qđ Idem auus ñr ad pliamẽtũ suũ apud Westm̃ tentũ die
 Mercur̃ post mediam quadragesimam anno regni sui quarto
 decimo fieri fecit quoddam statutũ in quo quidã articulus inf̃
 cełos continet̃ in hec ṽba. Item p̃ ce qascuns visconts ont loꝝ
 baillifs a l̃me des ans du g̃ant le Roi et ascuns saffient tant de
 loꝝ longe demoer en loꝝ baillie p̃ peurement qils sont esbaudez
 de faire moultz dop̃ssions au poeple et de male s̃uer au Roꝝ et
 au soñ poeple. Si est assentuz et establi q̃ nul viscont demoerge
 en sa baillie ountre vn an et adonq̃s soit autre couenable ordeigne
 en soñ lieu qad f̃ro sufficeant eu sa baille p̃ les Chaunceller et
 Tresorer et Chief Baron del Eschequer prises a eux les chiefs
 Justices del vn bank et del autre sils soient p̃sentz, et ceo soit
 fait chescun an a lendenayn des Almes al Eschequer. Constat
 nob̃ eciam p̃ inspectioem rotuloꝝ Cancellar̃ ñre qđ nos ad
 pliamẽtũ ñrm tentũ apud Westm̃ ad quindenam sc̃i Michis
 anno regni ñri primo quoddam statutũ fieri fecim⁹ in quo c̃ti

viñ.

15 RICHARD II. A.D. 1391.

STATUTES OF ENGLAND.

RICHARD by the grace of God, King of England and France, and lord of Ireland, to his beloved and faithful lieutenant, custos, governor or justiciar of our land of Ireland, and to our chancellor and treasurer of the said land, who now are or who for the time shall be, greeting. It appears to us, by inspection of the rolls of Chancery of the lord Edward, late King of England, our grandfather, that our said grandfather at his Parliament held at Westminster on the Wednesday after mid-lent, in the fourteenth year of his reign, caused to be made a statute, in which is contained, among others, a certain article in these words:—

“Item, because some sheriffs have their bailiwicks for a
 “term of years, of the grant of the King, and some trust so
 “much to their long continuance in their office by procure-
 “ment, that they are emboldened to inflict many oppressions
 “on the people, and to serve the King and his people badly ;
 “it is assented and established that no sheriff remain in his
 “bailiwick beyond one year, and then that there be another
 “fit person, who has sufficient land in his bailiwick, appointed
 “in his place, by the chancellor and treasurer and chief baron
 “of the Exchequer, taking to themselves the chief justices of
 “the one Bench and of the other, if they be present, and that
 “this be done each year, on the morrow of Souls, at the
 “Exchequer.”

Recital of 14
 Ed. III., Stat.
 I., c. vii.
 Sheriffs to be
 appointed
 yearly in the
 Exchequer.

Further it appears to us, by inspection of the rolls of our Chancery, that at our Parliament held at Westminster in the quinzaine of St. Michael, in the first year of our reign, we

Rappto^r.

articuli in^o celos continent^r in hec v^oba. Item acorde est q̄ desore nulle pteccion oue clause de Volum^o soit allowe deuant ascun Juge p^r vitailles prisez ou achatez s^r le viage ou s^rvies dount la pteccion ne faite mencion naussint en plees du trespas ou dautres contractes faitz ou ppetrees puis la date de mesme la pteccion. Item ordeigne est q̄ null qad estee viscont dascun Counte p vn au entier ne soit deinz le tierce an pschein ensuant eslutz ne remys en dit office du viscont si soit autre sufficeant en dit Countee des possessions & biens p^r respondre au Roy & au poeple. Constat nob^{is} eciam p inspectioem rotuloꝝ eiusd^m Cancellarⁱ n^{re} qd nos ad pliam^{en}tū n^{rm} apud Westm^{on} tentū die lune in octab^{is} s^ci Michis anno Regni n^{ri} sexto quoddam Statutū fieri fecim^{us} in quo quidam articulus in^o celos continet^r in hec v^oba, Item cont^a malefiores & raptores d^{na}z & filia^z nobiliū alia^zq^{ue} mulie^z violenter & plus solito hii^s dieb^{us} quasi in omⁿi pte regni βdci invalescentes ordinatū est & statutū qd vbicūq^{ue} & quandocumq^{ue} hui^{us} dne filie & alie mulieres βdce deceto rapiant^r & post h^{ic}m^{us} raptū h^{ic}m^{us} raptorib^{us} consenserint qd tam raptores siue rapientes q^um rapte & eo^{rum} quift dece^{lo} in^hilitent^r & in^hiles sint ipo fco ad omem hereditatē dotem siue coniunctum feoffamentū [post mortem virorum]¹ & antecesso^{rum} suō^{rum} h^{er}ed vel vendicand^{um} & qd statim in hoc casu pxim^{us} de sanguine eo^{rum}d^m rapientiū & rapto^{rum} cui hereditas dos siue coniunctū feoffamentū descendere restitū remanere vel accedere deberet post mortē rapientis vel rapte

¹ These words are in the Statute Roll.

caused to be made a statute, in which are contained, among others, certain articles in these words :—

“Item, it is agreed that henceforth no protection, with ^{1 Ric. II.,}
 “clause of ‘volumus,’ be allowed before any judge, for victuals ^{c. viii. When}
 “taken or purchased upon an expedition or service of which ^{protection}
 “the protection makes no mention, nor yet in pleas of trespass ^{with clause}
 “or of other contracts made or committed after the date of the ^{“volumus”}
 “said protection. ^{not allowed.}

“Item, it is ordained that no one who has been ^{1 Ric. II.,}
 “sheriff of any county for one whole year, be within the three ^{c. xi. No}
 “years next following, elected or reappointed to the said ^{sheriff to be}
 “office of sheriff, if there be another in the said county ^{re-elected}
 “sufficient in possessions and goods to answer to the King ^{within three}
 “and to the people.” ^{years.}

Further, it appears to us, by inspection of the rolls of our said Chancery, that at our Parliament held at Westminster on Monday in the octave of St. Michael, in the sixth year of our reign, we caused to be made a statute, in which is, contained, among others, a certain article in these words :—

“Item, against evildoers and ravishers of ladies and the ^{6 Ric. II.,}
 “daughters of noblemen, and other women, who are offending ^{c. vi. Where,}
 “more violently and unwontedly at the present time, as in ^{after rape}
 “every part of the said kingdom, it is ordained and enacted ^{the woman}
 “that wheresoever and whensoever such ladies, daughters and ^{consents, both}
 “other women aforesaid are henceforth ravished, and after ^{parties shall}
 “such rape consent to such ravishers, as well the ravishers ^{be disabled}
 “or those who commit the rape, as also the women ^{from taking}
 “ravished, and every of them, be henceforth incapacitated and ^{by inherit-}
 “incapable, by the very fact, of holding or claiming any in- ^{ance, dower,}
 “heritance, dower or joint feoffment [after the death of their ^{or jointure.}
 “husbands] and of their ancestors, and that immediately, in
 “this case, the next in blood of the said ravishers and women
 “ravished, to whom the inheritance, dower or joint feoffment
 “ought to descend, revert, remain or accrue, after the death of
 “the ravisher or woman ravished, have title directly, to wit,

hæant titulū immediate statim sciūt post raptū intrandi sup
 rapientē vel raptam ⁊ eoꝝ assign ⁊ pre tenentes in eisdem
 hereditate dote seu coniuncto feoffamento ⁊ illa hereditate
 tenend, ⁊ qđ [viri]¹ h̄m' mulieꝝ si viros h̄uerint vel si viros non
 h̄uerint supstites qđ tunc p̄res vel alii de sanguine eazdem
 p̄pinq̄iores deceſo hæant sectam p̄sequend ⁊ sequi poſunt v̄sus
 eosd̄m malefcores ⁊ raptores in hac pte ⁊ illos inde q̄m[uis]²
 eodem mulieres post h̄m' raptū dcis raptoribus consenserint de
 vita ⁊ membro conuincendi et vlt̄ius concordatū est qđ
 defendens in hoc casu ad duellū minime recipiat̄ ymmo rei
 veritas p̄ inquisiçoem p̄rie triet̄. Salvis semp Regi ⁊ cet̄is dn̄is
 regni p̄dci de raptoribꝫ illis si forsan conuincant̄ in om̄ibꝫ
 escaetis suis. Constat nob̄ insup p̄ inspecōnem rotuloꝝ eiusd̄m
 Cancellar̄ n̄re qđ nos ad pliamētū n̄rm apud Westm̄ tentū die
 lune p̄x post festū s̄ci hillaꝛ anno regni n̄ri p̄cio decimo
 quoddam statutū fieri fecim' in quo quidam articulus inf̄ cefos
 continet̄ in hec v̄ba. Item p' ce q̄ moultz des gentz sont
 delaies sibien en accion roiale³ com en accion p̄sonele p̄ pteccion
 oue clause de Volum' p' ceo q̄ plusurs gentz sibien tielx q̄ ne
 sont pas ables destre retenuz p' guerre com autres p̄
 tesmoignance des goūnours des Marches, Capitayns dez
 garnesons admiralx ⁊ autres p̄chacent diſſez pteccions oue
 clause de volum' [et]¹ oue clause de quia p̄fectuꝛ est, aps ce q̄
 le plee soit comencee enſis eaux p' delaier mesme le plee plus q̄
 p' le ſuice le Roꝝ la ou asmetz dez autres sufficeantz q̄ ne sont
 pas empledeez poent estre trouez p' ſuer le Roꝝ en tiel cas ⁊
 soeuent demoeurent en pais sanz ailler a loꝛ dit ſuice au ſs g'nt
 damage des ditz p'suantz ⁊ en deſtoꝛbance de cōe droȳt.
 Acorde est q̄ nul pteccion oue la clause de p̄fectuꝛ est soit

pteccōn.

¹ In Statute Roll.

² Obliterated.

³ Reale in Statute Roll.

“ immediately after the rape, to enter upon the ravisher or
 “ woman ravished, and their assigns, and the tenants of the
 “ land in the said inheritance, dower or joint feoffment, and to
 “ hold them by inheritance. And that [the husbands] of such
 “ women, if they have husbands, or if they have not husbands Husband or
next of kin
may prose-
cute.
 “ living, then their fathers or others nearest to them in blood,
 “ henceforth have suit to prosecute, and may sue the said
 “ evil-doers and ravishers in this behalf, and have them
 “ convicted of life and limb, although the said women,
 “ after such rape, consented to the said ravishers. And
 “ further, it is agreed that the defendant in this case be Defendant
may not have
the duel.
 “ not admitted to the duel, but that the truth of the matter
 “ be tried by inquest of the country, saving always to the
 “ King and the other lords of the kingdom aforesaid in all Saving of
escheats.
 “ things their escheats of those ravishers, if it happen that
 “ they are convicted.”

Furthermore, it appears to us, by inspection of the rolls of
 our said Chancery that at our Parliament held at Westminster
 on Monday next after the feast of St. Hilary, in the thirteenth
 year of our reign, we caused to be made a statute in
 which is contained, among others, a certain article in these
 words :—

“ Item, because many persons are delayed, as well in action
 “ real as in personal action, by protection with clause of 13 Ric. II.,
Stat. I., c. xvi.
Protection,
Quia profect-
urus, when
allowable.
 “ ‘ volumus,’ for that many persons, as well such as be not able
 “ to be retained for war, as others, by testimony of
 “ governors of the Marches, captains of garrisons, admirals
 “ and others, purchase divers protections with clause of
 “ ‘ volumus’ [and] with clause of ‘ quia profecturus est,’ after
 “ plea is commenced against them, to delay the said plea
 “ rather than for the service of the King, whereas enough
 “ of other sufficient persons who are not impleaded, can be
 “ found to serve the King in such case, and they often remain
 “ in the country without going to their said service, to the very
 “ great damage of the said prosecutors and in disturbance of
 “ common right. It is agreed that no protection with clause of

alowe en nulle plee dount la suite soit comence deuant la date de tiel pteccion, si ceo ne soit en viage en quele le Roÿ mesmes passe ou autre viage roial ou es messages du Roÿ p^r bussoignes du realme ; mes facent tielx empledeez lo^r atto^rnes p^r respondre p^r eux en tielx plees ou demoergent mesmes sils voillent ; mes nest pas lentencion de cest estatut mes qⁱ pteccion oue clause "quia morat^r" soit allowe en tous cas, com este fait auant sez heura. Et hoc vo^b & cuil^t v^rm significam⁹, mandantes q^d singulos articulos p^rdcos statuto^r p^rdcos in t^ra n^ra hibernie in Comitatus Ciuitatib⁹ Burgis & villis m^rcatoriis & aliis locis f^re n^re p^rdce vbi magis expediens fuit publice p^rclamari & teneri ac obseruari faciatis. T. me ipso apud Westm^{onasterium} s^cdo die Septembr^{is} anno r^{egis} n^{ostri} quintodecimo.

18 RICHARD II. A.D. 1394.

[CLOSE ROLL, 18 RICHARD II., ARTICLE 41.]¹

IN quodam plamento n^{ostro} apud dublin^{iam} die Martis p^{ri}x post festum s^ci Andree A^ppli p^{ri}x p^{re}sente s^umonito & tento ordinat^{um} existat q^{uod} nullus ligeus n^{ost}ri cuiuscumq^{ue} status seu condi^{ti}onis fuit aliqua blada blaset^{um}² panem vinu^m f^uiciam sal ferru^m equos armaturas seu alia victualia quecumq^{ue} alicui hibernico in^{ter} Anglicos ligeos n^{ost}ros non cōmoranti det vendat mittat ducat aut accomodet sub c^{er}ta pena in d^{ic}ta ordina^{ti}oe limitata.

¹ Taken from writ, dated 19 Dec., to the sheriff of Louth and wardens of the peace in said county, commanding them to have this ordinance proclaimed and observed.

² recte *braseum*.

“ ‘profecturus est’ be allowed in any plea, of which the suit is
 “ commenced before the date of such protection, unless it be on
 “ an expedition in which the King himself is travelling, or
 “ other royal expedition, or on the messages of the King, for
 “ the business of the realm, but that such impleaded persons
 “ appoint their attorneys to answer for them in such pleas, or
 “ if they will, remain themselves ; but it is not the intention of
 “ this statute but that protection with clause of ‘ quia ^{Protections’}
 “ ‘moraturus’ be allowed in all cases, as has heretofore been ^{quia moratu-}
 “ done.” ^{rus, as before.}

And this we communicate to you and each of you, com- Above to be
 manding that you cause the said several articles of the said observed in
 statutes to be publicly proclaimed in our land of Ireland, in Ireland.
 counties, cities, burghs and market towns, and other places of
 our said land, where it shall be most fitting, and to be kept
 and observed.

Witness myself at Westminster the second day of September
 in the fifteenth year of our reign.

18 RICHARD II. A.D. 1394.

IN a parliament of ours, summoned and held at Dublin None to sell
 on the Tuesday next after the feast of St. Andrew necessities to
 the Apostle last past, it was ordained that no liege any Irishman
 subject of ours, of whatever estate or condition he be, give, not abiding
 sell, send, bring or lend to any Irishman, among English lieges.
 our English lieges, any corn, malt, bread, wine, ale, salt, iron,
 horses, armour, or other necessities whatsoever, under a certain
 penalty in the said ordinance limited.

1 HENRY IV. A.D. 1399.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 82.]

Statuta
absencie,

HENRICUS dei gr̃a Rex Angt̃ & ffranc̃ & dominus hībñ locum tenenti Pre nre hībñ [e]¹ Cancellar̃ & Thẽs nris iīm saltm. Cum in pliamento² dñi R nup Regis Angt̃ sc̃di post [con]¹questum anno regni sui l̃cio tento, ordinatum fuisset & concordatum qđ om̃es cuiuscumq[ue] [status]¹ seu condicōis fuerint l̃ras redditus beneficia officia & alias possessiones quecumq[ue] inf^a l̃ram βđcam hēntes vsus eandem l̃ram se traherent ante festum Natiuitatis sc̃i Joh̃is Bap̃ie tunc futuř & extunc in auxilium & fortificaōem fidelīū & ligeoř suoz ibidem morent^r & resideant ad dē[am]¹ l̃ram contra rebelles hībnicos custodiend^ũ & defendend^ũ et qđ om̃es illi qui castra & fortalicia in [dēa]¹ l̃ra adtunc huerunt ea reparari & in statu competentī sustineri fač, ac ibidem bonam & securam custodiam p̃ saluaōe eořdem castroř & fortalicioř sub incumbenti piculo ponant et in casu[qđ]¹ aliquis illoř qui l̃ras officia redditus beneficia aut alias possessiones in βđca l̃ra hērent ext^a eandem l̃ram post dēm festum ex řonabili causa absens fuit, tunc p̃ tempore absencie sue hōies defensabiles in defensionem eiusdem l̃re iuxta id quod necessitas exegit loco suo mitte & inuenire teneat^r [habito]¹ respectu ad quantitatem & valorem l̃rař reddituū officioř & aliař possessionū sup^a dcoř quod si fecit tunc due ptes pficuoř l̃rař reddituū officioř & possessionū suoz βđcoř p̃ auisamentū Justic̃ [vel]¹ Gũb natoř l̃re βđce qui p̃ tempore forent leuent^r & sup̃ custodia & defensione

¹ Obliterated.² See 3 Ric. II. (p. 476).

1 HENRY IV. A.D. 1399.

STATUTE OF ABSENTEES.

HENRY by the grace of God, King of England and France, and lord of Ireland, To the Lieutenant of our land of Ireland and our Chancellor and Treasurer there, greeting. Whereas in a parliament of the lord Richard, late King of England, the second after the Conquest, held in the third year of his reign, it was ordained and agreed, that all, of whatsoever state or condition they might be, having lands, rents, benefices, offices and other possessions whatsoever within the said land, should betake themselves to the said land before the Feast of the Nativity of St. John the Baptist then next to come, and from that time, in aid and strengthening of his faithful and liege men there, should remain and reside, to guard and defend the said land against the Irish rebels, and that all those who had castles and fortalices in the said land forthwith cause them to be repaired and kept up in a fitting state, and place there good and secure guard for the safety of the said castles and fortalices under impending danger. And in case that any of those who have lands, offices, rents, benefices or other possessions in the aforesaid land should be absent without the said land after the said Feast for reasonable cause, then during the time of his absence, for the protection of the said land as necessity shall demand, that he be bound, in his stead, to send and find men able to defend, respect being had to the quantity and value of the lands, rents, offices and other possessions aforesaid; which if he should [not] do, then that two parts of the profits of their said lands, rents, offices and possessions, by the advice of the Justiciar or Governors of the aforesaid land for the time being, be levied, and converted to the guarding and defence of the said land; provided always that the

Statute
8 Ric. II. to
be observed.

All having
lands in
Ireland to go
thither and
reside.

Castles, &c.,
to be repaired.

Those unable
to go to pro-
vide men for
defending the
land.

On default,
two-thirds
value to be
levied for
defence.

eiusdem Pre constant^r; pviso semp qd Peia ps valoris beneficioꝝ oim illoꝝ qui in ſuicio regis immorant^r vel student in uniũſitate aut ext^a eandem P^ram ex causa rōnabili de licencia regia sub magno sigillo suo in Anglⁱ absentes fūint offibꝫ ordinariis & necessariis scđm cōſtitucōem ordinarioꝝ ſuoꝝ omīno deductis, circa custodiam & defensionem pđcas cōſtat^r & applicet^r put in ordinaçoe pđca plenius continet^r. Vob^{is} mandam⁹ firmit^r iniungentes qd ordinaçoe pđcam in omibꝫ & ſingltis ſois artictis quantum in vob^{is} est firmit^r & inuiolabit^r teneri & obſeruari faç iuxta tenorem & effem eiusdem quousq^{ue} aliud inde duxim⁹ demandand⁹. T.^r meiſſo apud Weſtm⁹ xvii. die decembrⁱ anno rⁱ ñ primo.

Me⁴ qd Statutū ſiue Ordinaçō de Abſentibꝫ ſup quo iſta bria fundant^r eſt in albo libro hui⁹ ſc^acii¹ ad plenū & ne done null⁹ enquiſiçōn vide iſm.

¹ The White Book of the Exchequer in Ireland is not now extant.

third part of the value of the benefices of all those who are de- Those em-
 tained in the King's service, or are studying in a University, ployed in
 or without the said land for reasonable cause by rcyal license King's service
 under his great seal in England may be absent (the ordinary or students,
 and necessary charges according to the certificate of their &c., to
 Ordinaries being wholly deducted), be converted and applied contribute
 towards the aforesaid guarding and defence, as in the afore- one-third.
 said ordinance is more fully contained. We command,
 firmly enjoining you, that the aforesaid ordinance in all and
 every its articles, as much as in you lies, firmly and
 inviolably you cause to be held and observed, according to the
 tenor and effect of the same, until we shall think fit to enjoin
 otherwise therein. Witness myself at Westminster the 17th
 day of December, in the first year of our reign.

Be it remembered that the statute or ordinance of
 Absentees, on which these writs are founded, is in full in the
 White Book of this Exchequer, and does not grant any
 inquisition. See there.

3 HENRY IV. A.D. 1402.

[PATENT ROLL 3 HENRY IV., ART. 255d.]

NŔE f^{le} Roy Henry quart a^{ps} le conquest a son plement tenuz a Dyuelyn le Joesdy pschⁿ a^{ps} la quinzeme de Pasq^e lan de soⁿ regne tierce deu^{nt} soⁿ fs ame fitz Thomas de lancastre seneschalt dengle^{re} lieuten^{nt} n^{re} dit f^r le Roy en Irland, desirant mult entierment q^u la pees les loies e les estatutz au^{nt} ces heures ordeinez deinz la f^{re} dirland e la boⁿ go^urnance dycell soient gardez e maintenuz en toutz pointz e sez foiaux liges e subgitz nurries e go^urn^es en quiete e tⁿquillite en touz les pties de mesme la f^{re} al hon^r de dieu e de seint esglise e al c^{oe} p^{fit} de tout le poeple de sa dit f^{re} p assent des prelates Countes Baro^{ns} e au^{ts} g^undes e de tout la c^{oe} de sa dit f^{re} au dit plement s^omonez ordeigna e establ^{ist} en mesme le plement e^{te}ins estatutz e orden^{ances} southesciptz les queux il voet q^{ils} soient fermement tenuz e gardez a touz iours.

En primes est accordez e assentuz q^u seint esglise eit e enioise touz sez fraunchises lib^{tees} francs vsages e coustumes saunz emblemisement come ils ount eue e vse e solonc les fraunchises ordeignes e g^untez p n^{re} f^r le Roy ou sez pgenito^s p estatutz ou ordeignaunces faitz en Engle^{re} ou en Irland.

I^{tem} accorde est e assentuz q^u sa dit f^{re} dirland eit e enioise ses lib^{tees} e fraunchises bones custumes e vsages come ad este resonablement vse deu^{nt} sez heurs.

I^{tem} accordez est e establ^{ist} q^u les estatutz e ordenancz faitz en vn plement tenuz a Kylkenny le Joesdy pschⁿ a^{ps} le fest de Cendres lan du regne le Roy E. tierce siel n^r f^r le Roy

3 HENRY IV. A.D. 1402.

OUR lord King Henry, the Fourth after the Conquest, in his Parliament held at Dublin on Thursday next after the quinzaine of Easter, in the third year of his reign, before his well beloved son Thomas of Lancaster, Seneschal of England, Lieutenant of our said lord the King in Ireland, most earnestly desiring that the peace, the laws, and the statutes heretofore ordained in the land of Ireland, and the good governance of the same, may be guarded and maintained in all points, and his faithful lieges and subjects nourished and governed in quiet and tranquillity in all parts of the said land, to the honour of God and of Holy Church, and the common profit of all the people of his said land, by the assent of the Prelates, Earls, Barons and other great men, and of all the commonalty of his said land summoned to the said Parliament, ordained and established in the said Parliament certain statutes and ordinances underwritten, the which he wills to be firmly held and observed always.

Firstly, it is agreed and assented to, that Holy Church have and enjoy all her franchises, liberties, free usages and customs without impeachment, as they have had and used them, and according to the franchises ordained and granted by our lord the King or his progenitors, by statutes or ordinances made in England or in Ireland. Holy Church to have her liberties.

Also, it is agreed and assented to, that his said land of Ireland have and enjoy its liberties and franchises, good customs and usages, as has heretofore been reasonably accustomed. have its liberties.

Also, it is agreed and established that the statutes and ordinances made in a Parliament held at Kilkenny on Thursday next after Ash Wednesday, in the fortieth year of the reign of King Edward the Third, grandfather of our Statutes of Kilkenny 40 Ed. III. confirmed

quorest qarant deu^{nt} leonell adonqs duc de Clarence
 ⁊ lienten^{nt} du d . . .¹ sa dite fre soient tenuz gardez ⁊
 conformes ⁊ south le gnd seal nre fr le . . .¹ maundez a
 tous les viscoûts dicele fre a pclamer ⁊ publier deinz . . .¹

Itm β ceo q̄ les admiralx ⁊ lo^r deutes deinz la dite fre
 accroch . . .¹ leq̄ iurisdiccions fⁿchises ⁊ aufs p^{fts}
 qappteignent a nre dit fr le . . .¹ Citees Burghs ⁊
 villes sibien deinz fraunchises come dehors a g^{nde} opp^{ss}ion
 . . .¹ fre ⁊ pde nre dit fr le Roy ⁊ encontre lestatut² fait
 en temps le Roy Richard p^{de}decessor nre dit fr le Roy qorest en
 Engl^{re} en quele estatut estoit ordeigne ⁊ establi q̄ lez
 admiralx ⁊ lo^r deutes ne deuient mellere de nule chose fait
 deinz le roialme mais soulement de chose fait s^r la meere et q³
 tous man^{es} de contractz plees ⁊ queeles ⁊ de tous aufs choses
 faitz ou sourdantz deinz les corps des Countees siñ p fre come
 p ewe ⁊ auxint wreke de meere qils soient tries terminez ⁊
 discuscies ⁊ remedies p la ley de la fre ⁊ nemy deu^{nt} les
 admiralx no lo^r deutes ou nule au^e ordeigne est ⁊ establi q̄
 le dit estatut issint fait en Engle^{re} soit tenuz gardez ⁊
 executz deinz la fre dirland en tous pointz.

Itm β ceo q̄ le clerc del Marche prent a soñ oeps demesne
 plusieurs fees fynes ⁊ aⁿcie les Citees fⁿies Burghs ⁊ villes p
 officio respectuando en gnd opp^{ss}ion de la cōe poeple du dite
 fre ⁊ encont^r les estatutz ent faitz en Engle^{re} en temps le
 Roy Richard secunde p^{de}decessor nre fr le Roy qorest p quele
 estatut ordeigne estoit q̄ le dit clerc deust duement faire son
 office ⁊ arder tous les faux mesures saunz pndre null fyne ⁊
 punir chescun qil . . .¹ coupable solonc son desert, ordeigne
 est ⁊ establi q̄ le dit estatut issint fait en Engle^{re} soit tenuz

¹ Obliterated.

² At Westminster, 13 Ric. II., Stat. 1, cap. 5.

³ Statute at Westminster, 15 Richard II., cap. 3. Both these enactments are to be found in the Red Book of the Exchequer in Ireland, fol. 22. (See p. 510).

lord the King that now is, before Leonell, then Duke of Clarence, and lieutenant of [the said lord the King] of his said land, be held observed and confirmed and under the great seal of our said lord the [King] be sent to all the sheriffs of the said land, to proclaim and publish in

Also, whereas the Admirals and their deputies in the said land usurp the [privileges] jurisdictions, franchises and other profits which appertain to our said lord the [King, in the] cities, burghs, and towns, as well within franchises as without, to the great oppression [of the people of the said] land and loss of our said lord the King, and contrary to the statute made in the time of King Richard, predecessor of our said lord the King that now is, in England, in which statute it was ordained and established that the Admirals and their deputies ought not to interfere in anything done in the realm, but only in any matter done on sea, and that all manner of contracts, pleas and plaints and of all other things done or arising in the body of the counties, as well by land as by water, and also wreck of the sea should be tried, attermind and argued, and remedied by the law of the land, and not before the Admirals or their deputies or any other, It is ordained and established that the said statute so made in England be held, observed and executed, in the land of Ireland in all points.

Also, whereas the clerk of the market takes to his own use many fees, fines, and amerces cities, seigniories, burghs and towns, in right of his office, to the great oppression of the common people of the said land and contrary to the statutes in those cases made in England, in the time of King Richard the Second, predecessor of our lord the King that now is, by which statute it was ordained that the said clerk ought duly to execute his office, and burn all the false measures, without taking any fine, and punish everyone that he [finds] guilty, according to his desert, It is ordained and established that the said statute so made in England be held

Statute
18 Ric. II.,
No. 1, c. v., as
to jurisdiction
of Admirals,
to be observed
in Ireland.

Statute
18 Ric. II.,
No. 1, c. iv.
Duty of the
clerk of the
market as to
weights, &c.
to be observed
in Ireland.

gardez & executez deinz la P^{re} dirlande en toutz pointz. Et si le dit clerc ou son deutes face le cont^{re}rie & de ceo soit atteint face fyn a Roy & p^{de} le dit clerc soñ office.

I^m accorde est & establee q̄ les f^{res} patents de licence south le g^{and} seal dirland . . .¹ & g^{antes} desore en au^{nt} as ceux qⁱ sont ou s^rount absentes hors de mesme la P^{re} soient dactuel force come les f^{res} patents s^r ceo faitz & g^{antes} south le g^{ande} seal dengleP^{re}.

I^m accorde est & establee q̄ si nult hōme nutandre entre en le Conynger dascun f^r ou nult autre deinz la dite P^{re} dirland & tue les Conynges deinz le dit Conynger trōes eit la ptie greue sa accioñ p^r brief ou p^r bille & recoñe ses damages a x foitz & outre soit reint a la volente du Roy.

I^m ordeigne est & establee q̄ nult purueo^r des hostelx de lienten^{nt} Justice ou Cons[table]¹ de mesme la P^{re} q̄crest ou q̄ p^r le temps s^rra ne mesure ascune mañe des blees p^r les ditz hostelx sinoñ p^r buschelt en seal accordant al standart et si nully face a lencontre & de ceo soit atteint ou duement pue soit ouste de soñ office & outre reint a la volente du Roy.

¹ Obliterated.

observed and executed in the land of Ireland in all points. And if the said clerk or his deputies do the contrary, and thereof be convicted, that the said clerk make fine to the King, and lose his office.

Also, it is agreed and established that letters patents of licence under the great seal of Ireland [made] and granted henceforth to those who are or shall be absent from the said land, be of the actual force as the letters patents in this case made and granted under the great seal of England.

Licence of absence under great seal of Ireland to be as valid as the like in England.

Also, it is agreed and established that if any man in the night time enter into the rabbit warren of any lord or any other, in the said land of Ireland, and kill the rabbits found in the said warren, that the party aggrieved have his action by writ or by bill, and recover his damages tenfold, and furthermore [that the offender be] fined at the will of the King.

Penalty for killing rabbits at night in a warren.

Also, it is ordained and established that no purveyor of the households of the lieutenant, justice or cons[table] of the said land, that now is, or that for the time shall be, measure any manner of corn for the said households, except by the bushel sealed, according to the standard, and if any do to the contrary and thereof be convicted, or it be duly proved, that he be removed from his office, and furthermore fined at the will of the King.

Corn for households of the lieutenant, &c., to be measured by the standard bushel.

3 HENRY IV. A.D. 1402.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 22.]

Lestatut fait encontř les Amiralx lan le Roi Rič. xiii^{me} 1

PUR ceo q̄ g^{unt} e Cōne clamo^r e pleint oūt estee souent faites deu^{nt} cez heures e vnqore soūt de ceo q̄ les admiralles e lo^r deputes teignent lo^r cessioñs en diſces places deins la roialme sibien deins ff^{unchises} come dehors acrochant eux plus g^{ant} poair q̄ a lo^r office apptient en ſiudice de nře f^r le Roi e la Cōne ley de roialme e g^{unt} emblessement dez pluso^rs diſſes f^{unches} e en destruccioñ e empouſſement de Cōe poeplē. Accorde est e assentu q̄ les Admiralles et lo^r deputes ne soi mellent desore enau^{nt} de nult chose fait deins la roialme mes soulement de chose fait s^r la mer solonc ceo qad estee duement vsee el temps de noble Roi E. Aiel nře f^r le Roi qore est eč.

3 HENRY IV. A.D. 1402.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 22.]

Lestatut fait encontř les Amiralx lan le Roi Rič. qore
est xv^{me} 1

A LA greuouse e g^{unde} compleint de tut le Cōe fait a nře f^r le Roi en cest p̄sent plement de ceo q̄ les Admiralx et lo^r deputes accrochent a eux diſſes Jurisdiccioñs ff^{unchises} e pluso^rs autres p̄fitz qappteignent a nře f^r le Roi e as aultres f^rs Citees e Burgñs autres qils ne soleient ne ne

¹ Ordered to be observed in Ireland by Statute in a parliament held at Dublin, 3 Hen. IV. (See p. 507).

3 HENRY IV. A.D. 1402.

THE STATUTE ENACTED AGAINST ADMIRALS IN THE 13TH
YEAR OF KING RICHARD.

WHEREAS great and common clamour and complaint ^{Jurisdiction of} have often been made before this time and still are ^{the Admirals} made, of this, that the Admirals and their deputies hold their ^{and their} sessions in divers places in the realm, as well within franchises as without, assuming to themselves greater authority than to their office belongs, to the prejudice of our lord the King and the common law of the realm, and the great injury of several divers franchises, and to the destruction and impoverishment of the common people. It is agreed and assented, that the Admirals and their deputies henceforth interfere not in any thing done in the realm, but only in things done on the sea, according to what was duly accustomed in the time of the noble King Edward, grandfather of our lord the King that now is, &c.

3 HENRY IV. A.D. 1402.

THE STATUTE ENACTED AGAINST ADMIRALS IN THE 15TH
YEAR OF KING RICHARD THAT NOW IS.

AT the grievous and heavy complaint of all the community, ^{Jurisdiction of} made to our lord the King in this present Parliament, ^{the Admirals.} for that the Admirals and their deputies assume to themselves divers jurisdictions, franchises, and many other profits which appertain to our lord the King and to other lords, cities and

deuoroient auer de droit & a l's g^{nt} opp^{si}on & empou^{is}sement de tut la C^oe de la l're & arrerissement & p^de de p^{fitz} n^{re} f^r le Roi & dez plusours autres f^rs Citees & Burghs p^{my} tut la roialme declares Est ordeignee & estable qⁱ dez tous man^{is} cont^{ct}es plees & quereles & de tous autres choses faites ou sourdantz deinz lez corps dez Countes sibien p^r l're come p^r ewe & auxint de Wrek de Meer la Co^rt de l'admiralt eit null ma^{is}e de conissance poair ne Jurisdiccioⁿ mes soient toutz tiels man^{is} cont^{ct}es plees & querelles & toutz autres choses so^rdantz deins le corps dez ditz Countes sibien p^r l're come p^r ewe come desuis, Et auxint wrek de meer t^{es} l'mines descus [[&] remedi]es p^r lez loies de la l're & nem^y deu^{nt} [ne p^l] l'admiral ne son lieuten^{nt} [en nule ma^{is}e] Nientmeins de mort dome ne de mahayme faitz es grosses neefs [estantz &] ho^urantz en my le haut fil ri^us *tantseulement paraval les [pountz] de mesmes les riu^{es}²* puis pscheins au meer & en [nul autre lieu de mesmes les ri]u^s eit l'admiral conissance & auxint darest de niefs [en les g^{ntz} fletz p^r g^{ntz}] viages de Roi & de roialme Savant au Roi tous [ma^{is}es] forfait^{es} & p^{fitz} ent puenantz. E eit ensement Jurisdiccioⁿ s^r lez ditz [fletz durantz] lez ditz viages tant soulement sau^{nt} toutdis as f^rs Citees [[&] burghs lour libtees & fraunchises].

¹ The words "ne pur" are in the Eng. Stat. Roll. They are also in the MS., but appear to have been struck out.

² These words are not in the Red Book. They, as also the words in brackets, are supplied from *Statutes of the Realm* II. 79, as occurring in the English Statute Roll.

burghs, other than they were accustomed and ought to have of right, both to the great oppression and impoverishment of all the community of the land and the hinderance and loss of profits of our lord the King, and of many other lords, cities and burghs throughout the whole kingdom. It is declared, ordained and established that of all manner of contracts, pleas, and plaints, and of all other things done or arising in the bodies of the counties, as well by land as by water, and also of wreck of the sea, the court of the Admiral have no manner of cognisance, power or jurisdiction, but that all such manner of contracts, pleas and plaints, and all other things arising in the bodies of the said counties, as well by land as by water, as above, and also wreck of the sea, be tried, attermined, argued [and remedied] by the laws of the land, and not before the Admiral or his lieutenant [in any manner]. Nevertheless, that of the death of a man and of a maihem committed in large ships, [being and] hovering in the main stream of rivers [only below the bridges of the same rivers] next the sea and in [no other places of the same] rivers, have the Admiral cognisance, and also to arrest ships [in the great fleets for the great] expeditions of the King and of the kingdom, saving to the King all [manner] of forfeitures and profits arising thereout. And that he have likewise jurisdiction over the said [fleets during] the said expeditions only, saving always to the lords, cities [and burghs their liberties and franchises].

3 HENRY IV. A.D. 1402.

[PLEA ROLL. 3 HENRY IV. No. 334, m. 5f.]

DOMINUS Rex mandavit bre suum Justic suis ad plita coram eo in tra Hibnie assign in hec vba. Henricus dei gra Rex Angl et ffranç et dominus Hibnie Justic suis ad plita coram nob in tra nra Hibnie tenend assign Salim. Quendam articlm in quodam statuto in parlamento nro apud Dubliñ vltimo tento inl celsa contentum edito, vob mittim⁹ p^{re}sentibz inclusum Mandantes qd viso articlo p^{re}deco illum publice pclamari ac firmi⁹ tessi et obsuari fac put continet^r in eodem, Mandauim⁹ enim vicecomiti nro Com Mid qd articulum p^{re}dem in locis eiusdem Comitatis vbi melius expedire pofit puplice pclamari ac firmi⁹ teneri et obsuari fac in forma p^{re}deca. T^r carissimo filio nro Thoma de Lancast^r senescallo Angl locum nrm tenente in tra nra Hibnie apud Dubliñ xj die Julii anno r^e n^o fcio.

Articlm patet in forma que sequit^r.

Item acorde est et defendu q nul desore face nult entre en ascounz pres teñs ou autres possesiouns q^ucounques ne lo^r teignent einz en icelles a fort mayne oue a multitude de gens eainz taunte soulement en pesible et easie manere et si nult le face et pleint ent veigne as Justices de la pees oue al viscount del Councete ou a ascoñ de eaux [les dites Justices] ou le viscount preignent ou preigne sufficeaunt poair del Counte et voisent en voies¹ a lieu ou tiel force soit fait et sils trouent ou troue ascounz q teignent tiel lieu forciblement a^ups tiel entre fait soient prisez et misez en le pscheigne gaole ay dem^rer conuicte

¹ So in orig. : possibly for *ou voist*.

3 HENRY IV. A.D. 1402.

THE lord the King sent his writ to his Justices assigned for [holding] pleas before him in the land of Ireland, in these words.

Henry, by the grace of God, King of England and Franco, and lord of Ireland, to his justices assigned for holding pleas before us in our land of Ireland, greeting. We send you inclosed in these presents a certain article (among other things contained) in a certain statute made in our parliament at Dublin last held, commanding that on sight of the said article you cause the same to be publicly proclaimed and firmly held and observed, as in the same is contained, and we have commanded our sheriff in the county of Meath, that he cause the said article to be publicly proclaimed and firmly held and observed in form aforesaid, in the parts of the said county where it may be most expedient. Witness our very dear son, Thomas of Lancaster, seneschal of England, our lieutenant in our land of Ireland, at Dublin, the 11th day of July, in the third year of our reign.

The article appears in form following.

Also, it is agreed and it is forbidden that any henceforth make any entry into any lands, tenements or other possessions whatsoever, nor hold themselves still in the same with a strong hand or with a number of people, but only in a peaceable and quiet way; and if any do it, and complaint thereof come to the justices of the peace, or the sheriff of the county, or any of them, that [the said justices] or the sheriff take a sufficient *posse* of the county, and go to the place where such force was made, and if they or he find any who hold such place by force after such entry made, that they be taken and committed to the nearest

The ensuing article to be observed.

Against forcible entry.

Punishment.

de recorde de mesmes les Justices ou vne de eux ou le viscount taunq ils eient fait fyn & raunceoms au Roy et q̄ toutz gantz de Councte soient entendaunz as ditz Justices & a chescoun de eaux & a viscount p^r aller & enforcer mesmes les Justices ou viscount p^r arrester tielux mealfaisou^rs s^r payne denprisounment & de fair fyn au Roi. Et en cas q̄ nul tiel entre soit fait a force come de suis est dit soit tenuz p^r null sauvaunt au ptie autre foitz soun entre peisiblement en due fo^rme sil al droite.

11 HENRY IV. A.D. 1409-1410.

[RED BOOK OF THE EXCHEQUER IN IRELAND, FOL. 31].

[Sta]¹tutū editū apud Dubliū in quodam pliamento corā Thoma le Botiller [pri]¹ore hospita¹ sci Johis Jerim in hibū deputato Thome de Lancastre locū teñ hibū anno f^r f^re hen^ri quarti undecimo.

Statutu qd
[null]
marinari[us]
aliquē labo
... ext^a
hanc [terram]
absque
licen[tia].

[I]¹T¹M p^r ceo qe pluso^rs labo^rers & su^antz du dit fre sen alant de io^r en autre pties dehors pount le housbandry & gayne de mesme la fre est en poynt [d]¹estre tout destrutz & disgastes en anientissement de tout la fre, accorde [est]¹ & assentu q̄ null maryñ amesne ascun labourer ou su^ant desore enau^ant [out]¹re le meer en lo^r Niefs batelx ou graffans saunz licence nre f^r le Roy [des]¹outh soñ g^aunt seal

gaol, there to remain convicted of record of the said justices or one of them, or the sheriff, until they have made fine and ransoms to the King; and that all the people of the county be intentive to the said justices and every of them and to the sheriff, in going and strengthening the said justices or sheriff in arresting such evil-doers, on pain of imprisonment and of making fine to the King. And in case any such entry be made by force as aforesaid, that it be held for nought, saving at another time to the party his entry peaceably in due form, if he have right.

11 HENRY IV. A.D. 1409-1410.

A Statute made at Dublin in a parliament before Thomas le Botiller, prior of the Hospital of St. John of Jerusalem in Ireland, deputy of Thomas of Lancaster, lieutenant of Ireland, in the eleventh year of the reign of King Henry the Fourth.

LIKEWISE, forasmuch as many labourers and servants of the said land go daily into other parts abroad, whereby the husbandry and tillage of the same land is on the point of being altogether destroyed and wasted, to the ruin of the entire land, It is agreed and assented that no mariner henceforward convey any labourer or servant beyond the sea in their ships, boats or barges, without licence of our lord the King

Statute that
[no] mariner
[convey] any
labourer out
of this [land]
without
licence.

dirland sur le forfature des d̄ces niefs batelx ou graffanez, et qy celly ou ceux qy soy sent ent greuez eiont lo' ac̄cons deſs le meistre possesso' des d̄ces niefs batelx ou graffans & recoder ses damages a treble. Et auxint eient mesme lac̄on deſs ladmiralx & ses deputees q̄ donent conge as d̄ces labourers & ſu'ntz ou eux ſuffrent passer outre le meer et qils & chescun de eux facent fyn & raunceon au Roy, & qy lez Maires baillifs soſleignes seneschall deins villes fraunchises viscountz Justices & gardeins de pees deins lo' Countez enqe'gent de lez pointz suisditz et ceux q̄ deu'nt eux ou ascune de eux soient endittes soient prises & arrestuz & liſez al pschien Gaole n̄re ſr le Roi a dem'er sanz estre lesse a maynp'ce ou a baill p les offici's suisd̄ces.

(p idē statutū.)

Il est accorde & assentu q̄ nully viscoût desore enau'nt soit fait sinoñ p eleccion des Cōes des Countes doūt lez d̄ces viscoûtes s'rōūt esluz & ceo de lez plus vaillantz gentz cestassaū deux ou treis de chescun baronie de mesme le Counte. Et q̄ les eliso's ne soient compellez ne destreignez p les Baroñs de leschequer n̄re ſr le Roy ou auſ offici' Ministre ou cōmissioner q̄conq̄ de eslier ou nōmer forsq̄ vn tantsoulement en chescun Counte. Et q̄ nully viscoût soit outre vn an en soñ office sinoñ qil soit eslue de nouelt come deu'nt est dit.

under his great seal of Ireland, upon forfeiture of the said ships, boats or barges, and that he or they who feel themselves thereby aggrieved, have their actions against the master owner of the said ships, boats or barges, and recover his damages threefold. And also have the same action against the admirals and their deputies, who give leave to the said labourers and servants, or suffer them to pass beyond the sea, and that they and every of them make fine and ransom to the King, and that the mayors, bailiffs, sovereigns and seneschals within towns [and] franchises, sheriffs, justices and wardens of the peace within their counties, make enquiry as to the points above mentioned, and that those who may be indicted before them or any of them be taken and arrested, and delivered to the nearest gaol of our lord the King, to remain without being let to mainprise or bail by the above-mentioned officers.

(By the same statute).

Item, It is agreed and assented that no sheriff henceforth be made unless by election of the communities of the counties, whereof the said sheriffs shall be elected, and this by the most sufficient men, (that is to say) two or three of each barony of the same county. And that the electors be not compelled or distrained by the Barons of the Exchequer of our lord the King or other officer, minister or commissioner whomsoever, to elect or nominate, save one only in each county. And that no sheriff be beyond one year in his office, unless he be elected anew, as is before said.

Sheriffs to be
elected by the
communities
of the
counties.

A sheriff to be
in office only
one year.

dirland sur le forlature
 qy celly ou ceux qy soy
 le meistre possesseur des d
 ses damages a treble.
 admiralx & ses deputees
 l'untz ou eux souffrent
 de eux facent syn & ran
 solleignes seneeschall dei
 & gardeins de pees dei
 suisditz et ceux q̄ deu'n
 soient prises & arrestuz
 a dem'er sanz estre les
 suisdies.

(p idē statutū.)

Il est accorde & asse
 fait sinon p eleccioñ
 viscouites s'roūt esluz &
 deux ou treis de chesc
 les eliso's ne soient e
 leschequer ūre & le R
 q̄conq de eslier ou nō
 Counte. Et q̄ nully
 sinon qil soit eslue de

The first part of the paper is devoted to a discussion of the
 various methods which have been proposed for the determination of
 the rate of reaction between a radical and a molecule. The
 most common of these is the method of initial rates, in which
 the initial rate of reaction is measured by observing the
 change in concentration of one of the reactants or products
 during the first part of the reaction. This method is simple
 and direct, but it is subject to a number of errors, and it
 is often difficult to obtain accurate results. Other methods
 which have been proposed include the method of half-lives,
 the method of integrated rate laws, and the method of
 continuous flow. Each of these methods has its own advantages
 and disadvantages, and the choice of method depends on the
 nature of the reaction and the accuracy required.

In the present paper, the method of initial rates is used to
 determine the rate of reaction between a radical and a
 molecule. The results are compared with those obtained by
 other methods, and it is shown that the method of initial
 rates is the most reliable for this type of reaction. The
 rate of reaction is found to be proportional to the square
 root of the concentration of the radical, and to the
 concentration of the molecule. This is in agreement with
 the theory proposed by some workers, and it is in contrast
 to the results obtained by other workers.

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- 4. The ...
- 5. The ...

11 HENRY IV. A.D. 1410.

[USSHER MS. E. 1. 41. FOL. 1-4. LIBRARY, TRINITY COLLEGE, DUBLIN.]

(Collated with Ussher MS. E. 3. 10 (T.C.D.) and Cotton MS. Titus B. ix. British Museum).

AN Abridgment of such estatutes as weare establised in a Parliment houlden at Dubliñ before Sir Thomas Butler, prior of sainte Johns Jrhm in Ireland, deputye to the lord Thomas of Lancaster, sounne to y^e Kinges ma^{tie} Ano Regni Rege Henrici quarti xj^o.

[Ca. 1
Church.]¹

That holy Church Inioye theire libertyes &c. vsed since the conquest of this lande.

Ca. 2
Ireland.

That the Comens of this lande have their libertyes &c. vsed since the Conqueste of this lande.

Ca. 3
Dublin.

That the Cittye of Dubliñ, and all other Cittyes and Borrowes of this lande enioy their franchises &c.

Ca. 4
kilkenni.
Confermaçon
[of] statutes.

That the great Charter and the statutes made in tyme of the Duche of Clarence & in the tyme of Thomas of Lancaster Lievetenante of Ireland, and all other good statutes and resonable ordinance made in the time of anie Justice or Levetenante of this land, be firmly houlden and keepte. And if anie statute or ordinance be made the which be not putt in execution or pclaumed heartofore, that the same be now pclaumed and putt in execution.

Ca. 5
Parlimenta.

That Parlimen^t shall not be adiorned or dissolved without resonable cause shewed in the Parliment, and by the advyse of the Lordes and Comens.

The Governenor is pleased that the forme of adiornement of Parliamt^e shall be kept after the man^r of England.

Ca. 6
Coigne and
liverye.

The Bill requereth that no Leivetenante, Justice or Governor of this lande nor other Greate or small of what estate or condition he be, shall putt anie maner Coigne nor liverye

¹ Obliterated.

vpon anie of the kinges leedgē people, and if they doe, that they, theire favorers and Councelers be judged traytors & open Robbers of the kinge and his leedgē people. And that the Justice of the kinges Bench, Justice of the Peace and whom the kinge will assigne may inquere of the offenders. And that vpon the indytment after the first *capias exigente* shalbe adwarded & pces continued till they be outlayd. And theire landes, tenementē, goodē and chattells forfeited. And y^e eūry of the kinges people may levie hve and cry vpon them & take them to the kinges Gayle. And if they wthstand arrest, that they be vsed as enemyes to the kinge and Robbers of the people. And that such as doe grewe the offenders in bodye or goods, shall not be therfor by any lawe, troubled or hindered. And also that non hencforth of what estate ore condition he be shall make herbiñage or liñe vpon anie of the kinges leedgē people, without redye pay or agrem^t in hand, vpon pain afore limited. And that no pardoun be granted to anye offender against this estatute w^{thou} the assent of parliament or of the kinges grainde councill. And that in the same Charter expresse mention is made of Cognies, liñes, and herbiñage aforesaid, or els the pardones as to those offences to be voyded in Law. And that everey Bishope in his dyosis may accuse and interdict (if need be) the offenders in anye the sayd articles.

The Governor is pleased y^t y^e statute of Kilkenye be kept & houlden in all pyntes as to the articles of coigñe,¹ and to the² herbiñage & liñe the statute made in tyme of Thomas of lancast^r, lievtenant of Ireland, at Dubliñ the thirde yeare of this kinge shall be houlden and keepte.

The Bill requereth that no shereife be made but by election ^{Ca. 7} of to comens of the shire wherof they shalbe Sherefes. And ^{For elections of shereffes.} that of the most able & wyseste men, to say, 2 or 3 of every Baronie of the same Counties. And who is made Shereffe in any other mañ, his appoyntment to be voyde. And y^t at the

¹ and *liverye* interlined in *Ussher MS.* No. 2.

² as *for* in same.

suggestion of 2 or 3 of the most able men of the same Countye, whereof the sayd Shereffes shalbe made w^hout election, there shalbe a write granted by the Chanceler or keeper of the kinges great scalle, de non intromittendo, to discharge the Shereffe soe made w^hout election. And that no shereffe shalbe in office aboue one yeare, nor within tow yeares next after. And that the Shereffes of Kildare and Carthelaghe be excepted from these Articles. That in Inquestes which shalbe befor the baronnes of the exchequer to elect the Shereffes be not charged henceforth to electe, but one only for whom the will Answers.

The Governor is pleased that no Sherrife shalbe elected but one only in *anye'* shire, & that by election, and that he shall not be aboue one yeare in his office, yf he shall not be chosen of newe.

Ca. 8
Clerke of the
market

The Bill requereth that an estatute made at Dublin in tyme the Lord Thomas of Lancaster in the thirde yeare of the kinge, the w^{ch} estatute doth reherse an other estatute made in Englande in tyme of kinge : R : 2 : touchinge the office of Clarke of the market may be confermed, thone & thother. And that the Clerke of the markett shall from henceforth vse his office in pson and not by deputy. And that he shall not somon before him a hole inquest out of the small burrowes that have noe market, nor great numbers of people. And that the Clarke of the market shall [not] amercye anie cominafti, countie, Baroni, Cittie, Borough or towne in cōen, but shall Amercie only offenders, accordinge to his faulte pticularly. And that the Amerciment shalbe further affend² by oathe of vj. honest men of the Baronie wher the offender dwelleth, & they shalbe extretid into the Exchequer. And theire by paynes limited to the Clerke that shall offend this.

The Governor agreeth to thesse requestes.

Ca. 9
Escheter.

The Bill requereth that no officer nor Clerke of the Chancery, Exchequer, or other shalbe escheter or Clarke of the market nor

¹ *erery* in Ussher MS. No. 2.

² So in MS. for *affered*.

deputye to them; nor take other pfit of the offices aforesaid, vpon paine of xx. li. to be payde to the kinge, and to be fringed from all offices for ever. And that no officer nor Clarke of the Chancery or Exchequer shall take to ferme anye Landes or tenem^u seased in the kinges hand &c.

The Governor wilbe advised.

The Bill requereth that against a pteccion quia p pfecturus Ca. 10¹ putt forthe in enye accon the playntif may au^u that the defend-^{Ptection} ant after the date of *this*^a pteccion had tyme to take his Journey viz. three weekes and more. And if that be found, then the defend to be putt to Answer.

The Governor is pleased y^t he that sueth such pteccion shalbe *sowen*² in y^e Chancerye y y^e cause of⁴ his warrante comprysed is true befor that his pteccion shalbe sealed. And further yf he doe make aboode within this lande vj weekes aff^r the date of his pteccion, the pteccion shal^b voyde.

The Bill requereth the revocation of tres patentes granted Ca. xj. to the inhabitation of Colie in the Baronie of Dundalke for^{Colie in the barony of Dundalke.} freedom from cesses & subsidye. And that they shall beare with the Comens of the Shire of Louthe in all thinges, as they have donne.

The Governor is pleased.

The Bill requereth that non shalbe compelled to appeare in Ca. xij. pp psonne before anie Justice or garden of peace at musters or<sup>For appar-
ance,
musters.</sup> at market dayes but w^hin the shires wher they dwell or have Land or tenement in other Countyes, where they dwell not, and if they be affleyed for theire non-apparance that the same shalbe voyde, and they discharged therof.

The Governor is pleased.

The Bill requereth that it may be inacted y^t everey liedge Ca. 13 man to the kinge, w^{ch} will goe into England or else where out<sup>Lycens of
absence.</sup>

¹ The text of this chapter is in the Red Book of the Exchequer in Ireland, fol. 86.

² *his* in the Ussher MS. No. 2.

³ *suen* in MS. B. Mus. for *sworn*.

⁴ *is* in Ussher MS. No. 2.

of this lande for lerninge the lawes of the Church of this Land, for Pilgrymadg or other wayes to psecute or attend sutes before the kinges matie or to the courte of Rome or to sie ther landes & possessions in England or Wales or for other reasonable causes whatsoever, may come into y^e Chancerey in Ireland and theire make othe by himself, & other honest men y^t he doth meane to depte this lande for anie the Causes aforsd, & thervpon the Chancellor shall certifye this othe by writt to the Baronns of the Exchequer, and that it shalbe needfull to noe pson havinge this writt to sve for further lycence of absence to the Governer of this lande. And that they shall not be impeached for their absence by anye the Kinges ministers vnlesse it shalbe pved y^t they be absent for other cause then is befor specyfyed.

The Governor will take advise.

Ca. 14
Offices.

The Bill Requereth wher false offices have bine taken by eschetors & the¹ deputyes & by comissionis of men of no sufficiency whereby Lande have bine found to be houlden of the kinge wherunto advowsons of benefices be appendant ore appu'tenante. And hearvpon the Lands seased and the advowsons pnted vnto for that. And for remedy requereth that vpon such offices henceforth noe such freehould shalbe seised, but that the offices shalbe retorned or sent into the Chauncery to be seene theire by the kinges Councell whether the office be suffitient. And yf they be found then a Scirefaç to be adwarded against the Possessiois of the same landes to shewe wherfor the kinge ought not to be p'sent, and soe the tytle to be tryed.

The Governor is pleased savinge that no Scirefaç shalbe awarded as the Bill requereth.

Ca. 15
Non to
be arested
without
warrant.

The Bill requereth that the ffishalls -Shereeffs Bayliff. Sariantes & other officers, nor theire deputyes shalnot from hencforth take or areste anie man by color of there offices without shewinge sufficient warrante or warrantes, nor shall

¹ *their* in Ussher MS. No. 2.

take nothings of them, but there fees dwe and taxed by the lawe. And yf anye officer doe the contrarie hearvnto y^t the false ptie greeved may have remedye by *tras*¹ or false imp^lsonment. imprisonm^t

The Governor is pleased.

The Bill requereth that non shalbe eschetor in Ireland if he have not xx^{li} in lande or rente in fee w^hin this lande of his owne, w^hout fraud or collusion. And that he shall execute his office in pp parson & not by deputy and if anye be otherwayes made or doe otherwayes execute his office all that he doth to be voyde. And that anie grante made contrarie to this statute w^h these causes (non obstante Statute) shalbe voyde. Ca. 16
Eschetor.

This bill was not Answered by the Governor.

This Bill Requereth that an estatute made at Dubline in a pliment houlden befor the Lord Thomas of Lanchaster in the thirde yeare of this Kinge touchinge the eschetor & vsinge of his office, and another estatute rehearsed theire made in England in the tyme of Kinge E. the 3. shalbe confermed in all pyntes within this lande. Savinge that the Eschetor henceforth shall not vse his office by deputy. And that after inqueste taken befor them, they shall before there depture from the towne wherr the inqueste is taken Seale the Indenturs of the offices to the Jurers w^hout takinge anye thinge of them therefor. And that everey of the iiij men of the Baronies that shalbe putt in these inquestes shalbe inheritable of C^r in lande or rente by the yeare at the leaste, if anye such Inheritor be w^hin the Baronie, ells ther shalbe putt in those inquerors iiij the best inheritors within the Baroni. And that the Eschetor shall deliver to the Sherriffes maio^r &c. viij daye before the day of ther retorne. And requereth a paine against the eschetor offendinge this statute &c. Ca. 17
Eschetor.

The Governor is pleased y^t the statute made before the Lord Thomas of Lancaster shalbe houlden. And y^e Eschetor shall Seale the Indenturs in manor before required. And shall deli^u his warrantes viij dayes befor the

¹ *trespas* in MS. B. Mus.

returne as is requered. And yf the Eschetor Sease and freehould libertye or franchises contrarie to this ordinance he shall pay xⁿ to the kinge and xiⁿ to the ptye greeved. Savinge y^t that he may doe by his office without inquirie.

The partye shall have an accon to recof his xⁿ &c.

Ca. 18
Seaser.

The Bill requereth that no seser shalbe made of any posses landes teñte franchises or libtes contrarie to the forme of the Great Charter.

The Governor is pleased that y^e Great Chartur and all the statutes made in tyme of kinge Edwarde touchinge those articles be houlden and kept in all pyntes.

Ca. 19
repels.

The Bill requereth that tres patent^e obtayned by abbotes and priors for discharge of ther benifice appropriate from contribucon to the salarie of the pctors in the pliment may be *repeted*.¹ And that the same abbot^e and Priors shalbe hencforth contributory &c.

The Governor wilbe advised.²

Ca. 20
Removinge
the Kings
Bench.

The Bill requereth that the cessions of the kinges bench shall not be removed out of the countye wher the same be first appoynted w^hin that terme without resonable cause and y^t by advice of the Justices of both benches the kinge scriant of others of his counsell.

The Governo^r is pleased that y^e Cessions be not removed

But by advise of the kinge counsell w^hin that terme.

Ca. 21
For officers y^t
succor robbers
et.
rebels.

The Bill Requereth y^t yf Sherref, Senesshall, Justice or Garden of the pease doe receive or succor anye that hath burned, robbed or destrowed the kinge ledge people that the same shereffe, Señ Justice or garden of the peace shalbe adiudged as the principall felons of the same Burniges, Robberyes or desstructions and that the ptye greeved shall have his accon against them &c.

The Govern^r is pleased that y^e comen law and statute made in this behalfe be kept.

¹ *repealed* in Usher MS. No. 2.

² In margin of Usher MS. No. 2 is written "[Because himself was a priour.]"

The Bill Requereth that no graine shalbe taken out of this land whyle the same is in the markete of this lande at xii^d the Bushell or aboue with lycence or in other maner vpon paine of forfeture therof & to make fyne and ransom to the kinge.

Ca. 22
Ladinge of
Graine.

The Governo^r Answereth that in tyme of souch dardth of Corne wthin this Realme he will take order by thadvise of the kinge Councell for y^e pfit and ease of the Comens.

The Bill Requereth that y^e Justices of peace in every county shalbe hencforth of the most able psons dwellinge in the same Countyes and not otherways. And that by the election of the honest men dwellinge in the shire, and if anye comission be made otherways that it be voyde & repelled by write of the Chancery at the sute of anye of the Countye that will sue for the same.

Ca. 23
Justice of
peace.

The Governo^r is pleased that y^e Justices of peace be made of the most sufficient y^t dwell wthin the shire or y^t that have sufficiencie of land wthin the shire. And as to the eleccon his pleasure is y^t the order heartofore vsed shalbe continued.

The Bill requereth that no Irishe man adheringe to the Enemyes shalbe suffred hencforth to pase over the sea by color of goinge to the scooles of Oxford Cambridge or els where. And yf anye be founde goinge out of the lande y^t *every*¹ shall lawfully arrest him and bringe him to the kinges gaile together wth the Goods vpon him and found with him. And he that taketh him shall have halfe of the gooder &c. And that no Irisheman shall hencforth have charter of denizin vnlesse he fynd sufficient swertye in the Chancerye before hand that he shall never after adheare to any Irish enemye in anie maner.

Ca. 24
For staye of
those that
auber to
enemyes.

The Governor is pleased as to the first article y^t noe Irishe enemye shall passe the Sea vpon the paine in y^e Bill without speciall lycence vnder the kinges greate Seale. And as to the second Article, the governor wilbe advised.

¹ man inserted here in Ussher MS. No. 2.

13 HENRY IV. A.D. 1411.

[PATENT ROLL, 13 HEN. IV., m. 7 d. ARTICLE 115.]

Breve patens
de Angt pro
statutis
contra
prouisores
irrotuland. et
proclamand.

HENRICUS dei grā Rex Angt & fran̄ & dūs hīb̄
Carissimo fīl suo Thome de lancastre locum tenenti
n̄ro in Fra n̄ra hīb̄n ac deputato suo iām necnon Cancellar̄
Theſ & Justiĉ n̄ris in eadem Fra, salūm. Tenores quorūdam
statutoꝝ tam tempore n̄ro q̄m temporibꝫ p̄genitoꝝ n̄roꝝ
quondam Regum Angt cont^a p̄uisores editoꝝ vob̄ mittim⁹ sub
sigillo n̄ro in forma patenti Mandantes qđ tenores illos tam in
rotulis Cancellar̄ n̄re f̄re p̄d̄ce q̄m in rotulis Cuī n̄raz ibidem
de vtroqꝫ Banco irrotulari ac eos in singlis Ciuitatibꝫ Burgis &
villis ſicatoriis ac aliis locis infra f̄ram p̄d̄cam vbi magis
expediens f̄uit & necesse ex pte n̄ra publice p̄clamari ac statuta
p̄d̄ca iuxta vim formam & eff̄cū eoꝝdem obseruari & teneri.
Ac om̄es & singulos qui cont^a formam statutoꝝ p̄d̄coꝝ
attemptaūint seu in aliquo attemptare p̄sumperint iuxta eoꝝ
deſinita ac iuxta formam & eff̄cū eoꝝdem statutoꝝ put̄ r̄onabilif
f̄uit faciendū, de tempore in tempus castigari & pun[iri]¹
faĉ. T. me ip̄o apud Westm̄ primo die februaī anno r̄ n̄
ſtio decimo.

Patens inde
et s^o inciĉ.

² Nostre f̄r le Roy de lassent & priere des grandes & la Cōe
de soñ roialme dengleſre a soñ g^aunde conseil̄ tenuz a
Westm̄ le lundy p̄sch̄n aſs le fest de seynt Mathev lappostre
lan de soñ roialme dengleſre xxvij^{me} & de fraunce xiiij^{me} en
amendement de soñ dit roialme & pour les leies & vsages de
soñ dit roialme maintenir, si ad ordonne & establie les choses
suiscriptz Pr̄ſement pour ceo qđ monstre est a n̄re f̄r le Roy
par greuouses & clamouses plaintes des g^aundes & des cōes
au^antditz coment plusours gentz sont & ont este t̄hetz hors

¹ Obliterated.² Statutes of the Realm, I. 329.

13 HENRY IV. A.D. 1411.

HENRY by the grace of God, king of England and France, and lord of Ireland, to his most dear son Thomas of Lancaster, our lieutenant in our land of Ireland and to his deputy there, and to our Chancellor, Treasurer and Justices in the said land, greeting. We send you under our seal in patent form, the tenors of certain statutes against provisors, published as well in our time as in the time of our ancestors, formerly kings of England; commanding that you cause those tenors to be enrolled, as well in the rolls of the Chancery of our said land, as in the rolls of our courts of either bench there, and them on our behalf to be publicly proclaimed in the several cities, burghs, and market towns, and other places within the said land, where it shall be most fitting and needful; and the said statutes, according to the force, form and effect of the same, to be observed and held. And all and singular who shall make attempt or in any point presume to make attempt, contrary to the form of the said statutes, that you from time to time cause to be chastised and punished, according to their deserts and according to the form and effect of the said statutes, as ought reasonably to be done. Witness myself at Westminster, the first day of February in the thirteenth year of our reign.

Writ patent
out of England
for enrolling
and proclaim-
ing the statutes
against
Provisors.

Our lord the King, by the assent and prayer of the great men and the commons of his realm of England, at his great Council held at Westminster on the Monday next after the feast of Saint Matthew the apostle, in the twenty-seventh year of his reign of England, and of France the fourteenth, for amendment of his said realm and for maintaining the laws and usages of his said realm, has thus ordained and established the things underwritten.

Patent thereof
and thus it
begins.

Firstly, because it is shewn to our lord the King by grievous and loud complaints of the great men and of the commons aforesaid, how that many men are and have been drawn out of the realm, to answer of

Subjects suing
in a foreign
court for
matters
cognisable in

du roialme a respondre des choses dont la conisaunce apptient a la Court le Roy & auxint q̄ les iuggements renduz en mesme la Court sont empeschez en autre Court en p̄iudice & disheritesoñ n̄re f̄r le Roy & de sa Corone & de tout le poeple de soñ dit roialme & en defaisance & anientisment de la cõe leye de mesme le roialme vsee de tout temps. Sour qoi en bons delibacioñ oue les ḡndes & auñs du dit counseil assentuz est & accordez p̄ n̄re f̄r le Roy & les ḡndes & cões suisditz q̄ tontz gentez de la ligeaunce le Roy de quele condicioñ quils soient queux traihent null hors du roialme en ples dont la cognisaunce apptient a la Court le Roy ou des choses dont inggementz sont renduz en la Court le Roy ou qui suent en auñ Court a defaire ou empescher les iuggementz renduz en la Court le Roy, eiant iour contenant l'espace de deux moys p̄ garnissement affaire a eux en le lieu ou les possessions sont que sont en debate ou aillours ou ils aũont f̄res ou auñs possessions p̄ les viscounts ou auñs Ministres le Roy destre deuñt le Roy & soñ conseil ou en la Chauncellerie ou deuñt les Justices le Roy en sez places de lun Bank ou de lautre ou deuñt auñs Justices le Roy qui s'ront a ceo deputez a respondre en lour p̄pres p̄sonns au Roy del contempt fait en celle ptie et sils ne voignent my a dit ior en lour p̄pre p̄sonne desteier a le leye, soient ils lour p̄curato's atto'nez executo's notairs & mainteno's dicelt iour en auñt mys hors de la p̄teccioñ le Roy & leurs f̄res biens & chateux forfaitz au Roy & soient leurs corps ou quils soient trouuez prinsez & emprisonnez & rentz a la voluntee le Roy, et s' ceo soit brief fait de les prendre p̄ leur corps & de seisiier leurs f̄res biens & possessions en la maine le Roy. Et si retourne soit quils ne sont my trouvez soient mys en exigende, & vtlagez. Purveu toutfoitz que a quelle heure quils veignent deuñt quils soient vtlagez & vuillent soy rendre a la prisone le Roy destre iustifiez p̄ la leye & resceiñe ceo q̄ la Court le Roy agardera en celle ptie, quils soient a ceo resceiñez, la forfaiture des f̄res biens & chateux dem'ant en sa force sils ne se rendent deins les ditz deux moys come deuñt est dit.

things, the cognisance of which belongs to the King's court, and also that the judgments given in the said court are impeached in another court, to the prejudice and disherison of our lord the King and of his crown, and of all the people of his said realm, and in defeasance and destruction of the common law of the said realm used from all time. Whereupon on good deliberation with the great men and others of the said Council, it is assented and agreed by our lord the King and the great men and commons aforesaid, that all men of the allegiance of the King, of whatever condition they be, who draw any [person] out of the realm in a plea, the cognisance of which belongs to the court of the King, or of those things of which judgments are given in the court of the King; or who sue in another court, to defeat or impeach the judgments given in the King's court, have a day within the space of two months, by notice to be made to them in the place where the possessions are that are in dispute, or elsewhere, where they shall have lands or other possessions, by the sheriffs or other officers of the King, to be before the King and his Council, or in the Chancery, or before the Justices of the King in their Places, of the one Bench or of the other, or before other Justices of the King, who shall be hereto appointed, to answer in their proper persons to the King of the contempt done in this behalf; and if they come not on the said day in their proper person, to stand to the law, that they, their proctors, attorneys, executors, notaries, and maintainers from that day forth be put out of the King's protection, and their lands, goods, and chattels forfeited to the King, and that their bodies, wherever they be found, be taken and imprisoned and ransomed at the will of the King; and hereupon that a writ be made, to take them by their body, and to seize their lands, goods, and possessions into the hand of the King. And if it be returned that they are not found, that they be put in exigent and outlawed. Provided always that at whatever time they come, before they are outlawed, and are willing to give themselves up to the King's prison, to be justified by the law and to receive what the King's court shall award in this behalf, that they be thereto received, the forfeiture of the lands, goods, and chattels remaining in its force, if they do not give themselves up within the said two months, as is aforesaid.

the King's court, or impeaching elsewhere its judgments, shall have two months' warning to answer their contempt.

On non-appearance, they shall be outlawed, forfeit lands and goods, and be imprisoned.

Appearance after two months will save outlawry, but not lands or goods.

¹Pour nurrir amour pees & concord entre saint esglise et le Roialme & faire cesser les g^{ra}unds males pils importables damages & greuances que ont este faitz & auenus en temps passe & auientront en ap^{re}s si la chose soit soeffre passer enau^{ant}nt p cause des psonelx citacio^{ns} & au^{er}s q^{ui} ount passer deu^{ant}nt ces heures & passent cōement de iour en autre hors de la Court du Rome pmy faintes & fauxes suggestions & pposicions deceiuantz le seintisme piere le pape encontre tout pleine des psonnes du dit roialme sur cause dount la cognisance & finale discucio^ñ apptient a n^{ost}re f^{er} le Roy & a sa Court roialle & au^{er}nt & aussi des impetracio^{ns} & p^{ro}uisions faitz en la Court de rome, des benefices & offices des esglises app^{re}teinantz a la doniso^ñ p^{re}sentacio^ñ ou disposicio^ñ n^{ost}re f^{er} le Roi & des au^{er}s p^{ro}nes laies de so^ñ roialme come des esglises Chapelx & au^{er}s b^{en}efices appropriiez a Eglises Cathedralx Collegialx Abbeyes Priories Chanfies hospitalx & au^{er}s pources maiso^ñs & dau^{er}s dignitees & offices & b^{en}efices ocupiez en temps passe & p^{re}sente p di^uses notables psonnes du dit roialme p les queux causes & dependences dicelles les bones & auncients leyes, vsages, custums & fraunchises du dit roialme ont este & sont moult g^{ra}undement empeschez blemez & confunduz, la Corone n^{ost}re f^{er} le Roy abeisse & sa psonne mult durement & faux^{er}nt diffamez, les auoirs & richesse du roialme emportez les hitantz & subgiez de mesme le roialme empodez et troubles les b^{en}efices de saint Eglise degastez & destructz diuines s^{er}uices hospitalitees almoignes & au^{er}s oeures de charite sustraes & entrelesses les g^{ra}undes co^{es} & subgiez du dit roialme en corps & biens t^{ra}uaillez & donmagez. Nostre seignour le Roy suisdit a so^ñ plement tenuz a Westm^{onaster} a les Oeptaues de saint hiller lan de so^ñ regne trent & oeptisme aiant regard a la quiete de so^ñ roialme le quele il desire so^udainement a sustenier en t^{ra}nquillitee pees & concord gouverner solonc les leyes vsages & fraunchises de sa p^{re} & si come il est tenuz p so^ñ serement fait a sa

¹ *Statutes of the Realm*, I. 385.

To nourish love, peace, and concord between Holy Church and the realm, and to cause to cease the great evils, dangers, and unbearable losses and grievances that have been done and have happened in time past and will happen hereafter, if the matter be allowed to pass in the future, by reason of the personal citations and others that have passed hitherto and pass commonly from day to day out of the court of Rome, by feigned and false suggestions and proposals, deceiving the most holy father the Pope, against all manner of persons of the said realm, upon cause, the cognisance and final discussion of which belong to our lord the King and to his royal court, and otherwise, and also [by reason] of the impetrations and provisions made in the court of Rome, of the benefices and offices of the churches appertaining to the donation, presentation or disposition of our lord the King, and of other lay patrons of his realm, as of the churches, chapels, and other benefices appropriate to cathedral and collegiate churches, abbeys, priories, chantries, hospitals, and other poor houses and of other dignities and offices and benefices occupied in time past and present by divers notable persons of the said realm; by which causes and the consequences thereof the good and ancient laws, usages, customs, and liberties of the said realm have been and are very greatly impeached, injured, and confounded, the crown of our lord the King abased, and his person very hardly and falsely defamed, the possessions and riches of the realm carried away, the inhabitants and subjects of the said realm impoverished and troubled, the benefices of Holy Church wasted and destroyed, divine services, hospitalities, alms and other works of charity withdrawn and neglected, the great men, commons, and subjects of the said realm in person and goods harassed and damaged, Our lord the King aforesaid, at his parliament held at Westminster in the octaves of St. Hilary, in the thirty-eighth year of his reign, having regard to the quietness of his realm, which he wishes above all things to maintain in tranquillity, peace, and concord, to govern according to the laws, usages, and franchises of his land, and as he is bound by his oath made at his

The several enormities of citations, and impetrations of benefices obtained from Rome.

I.

Coronaciõ, en aide & confort du pape qui mult souent ad este troublez p tielles semblables importunes clamours & impetraciõs & qui y mest voluntiers couenable remedie si sa seintitee estoit sur ces choses enforme, en passant pmye les veyes de sez nobles pgenito's les queux p' le temps lour current firent & tains bones p'uoiances & ordenances encontre les au'ntditz greuances & piles les queux ordenances & p'uoiances & aussi tous les au's faitz en soñ temps & p esp'al en lan de soñ regne xxv. & xxvij. ñre f'r le Roy de lassent & exp'sse voluntee & concord des ducs Contes Barons nobles & Cões de soñ dit roialme & toutz au's queux la chose touche p bone & mure delibaciõ & auysement approue accepte & conferme, Salve lestade des Prelates & au's seignours du roialme touchant la libtee de leurs corps si q' p force de cest estatut leurs corps ne soit pas pitz¹ aioustant a ycell ad p'ueu & ordonne q' tous ceux qui ont impetretz p'chacer ou p'suez tielx psonelx citacions & au's en auscun temps passe ou impetront p'chaceont ou p'suont semblables en temps auenir encontre luy ou auscun de ses subgies & aussi tous ceux qui ont impetretz ou impetront de la d'ce Court, deanees archidiaconees puostees ou au's dignitees offices Chapelx ou au's bñfices des esglises quelconques app'tenantz a la collaciõ donisiõ p'sentaciõ ou disposiciõ ñre dit f'r le Roy ou dautre patron ley de soñ dit roialme. Et aussi toutz semblables psonnes impetrato's des Eglises Chapelx offices bñfices des esglises pensions ou rentz amortisez & appropriez as Eglises Cathedralx ou Collegialx Abbeies Priories Chanfies hospitalx ou au's po's maisons auant ceo q' tielx appropriaciõs & amortizaments soient cassetz & adnullez p due pcesse, ensemblale'm't oue toutz ceux qui ont impetretz en mesme la Court dignitees offices hospitalx ou au's bñfices quelconques des esglises que sont occupez au p'sente p title resonable p aucuns psonnes du dit roialme

¹ So in original. The English Statute Roll reads *pris*.

coronation, in aid and comfort of the Pope, who has been very often troubled by such like importunate demands and impetrations, and who would willingly apply a suitable remedy if His Holiness were informed upon these subjects, by following along the ways of his noble ancestors, who for their time made certain good provisions and ordinances against the aforesaid grievances and dangers, which ordinances and provisions and also all the others made in his time, and particularly in the twenty-fifth and twenty-seventh years of his reign, our lord the King, by the assent and express wish and agreement of the dukes, earls, barons, nobles, and commons of his said realm, and all others whom the matter concerns, by good and mature deliberation and consultation, has approved, accepted, and confirmed; saving the estate of the prelates and other lords of the realm touching the liberty of their persons, so that by force of this statute their persons be not taken. In addition to this, he has provided and ordained that all those who have obtained, purchased or sued such personal citations, and other things in any time past, or shall impetrate, purchase, or sue the like in time to come against him or any of his subjects, and also all those who have obtained or shall impetrate from the said court deaneries, archdeacons, provostships, or other dignities, offices, chapels, or other benefices of churches whatsoever, belonging to the collation, donation, presentation, or disposition of our said lord the King or of any other lay patron of his said realm. And also all like persons, impetrators of the churches, chapels, offices, benefices of churches, pensions or rents amortised and appropriate to cathedral or collegiate churches, abbeys, priories, chantries, hospitals, or other poor houses, before such appropriations and amortisements be voided and annulled by due process; likewise in case of all those who have obtained in the said court dignities, offices, hospitals, or other benefices whatsoever of the churches which are at the present occupied by reasonable title by any persons of the said realm, if such impetrations

Persons
impetrating or
purchasing
citations or
benefices from
the court of
Rome,

si tielx impetraciõs ne soient ia pleineñt executz, ou impetrerout en aþs semblables bnifices p quoy þiudice **dommage** ou empescheñt ad este ou purra estre fait en aþs a luy ou a sez ditz subgitz en psonnes heritages possessionõs droitures ou bones quelqonges ou a les leyes custumes vsages franchises et libtees de soñ dit roialme et de sa Corone, ensemblablement oue toutz leurs mainteno's conseilours abetto's et auþs aid'o's et fauto's scientñt tant a la suite le Roy come de la ptie ou dauþe queqonq du roialme trouant plegges et seurte de p'sner encontre eaux en celle ptie, soient toutz les ditz psones diffames et suspectes violentñt de tielx impetraciõs greuances ou þsuitz arestuz et prinsez p les visconts des lieux Justices en leurs sessions deputees Baillifs et auþs ministres le Roy et p bone et sufficeante mainpris repleuisseñt baillie ou auþ plegge le plus brief que faire ceo purra soient ils þsentes au Roy ou a son conseil pour y demurrer et estoier a droit et receiue ceo q la leye lour dona et s'ils soient atteintz ou conuictz des auscuns des ditz choses eiant la peine compriz en lestatut fait en lan ñre 4^r le Roy xxv. quell cõmence = Au plement sũmonez a Westm̃ ec.

Et saucuns psones diffames ou suspects des tielles impet'cions psecucions greuances ou entreprises soient ils hors du roialme ou deinz et ne purront estre attachiez ne arestutz en leurs ppres psonnes et ne se þsentent deuñt le Roy ou soñ conseil deinz les deux moys aþs ceo quils soient garniz es leurs lieux saucuns enaient ou aucuns des Courtes le Roy ou en les Countees ou deuñt les Justices le Roy en leurs sessionõs ou auþment sufficeantñt p' respondre au Roy et a la ptie et demurrer et esteier a la leye en ceo cas deuñt le Roy et soñ conseil soient puniz p mañe et forme comprinse en lestatut en lan xxvij^m ñre 4^r le Roy que cõmence, Nostre seignour le Roy ec. et auþment sicome affaire semblera au Roy et a soñ conseil saunz faire a ausqun deux p ñre 4^r le Roy auscune g'ce pdoñ ou remission saunz assent et volonte de la ptie que se prouera estre grene et saunz faire a luy du satisfacciõ en ceo cas.

are not already fully executed, or who shall hereafter impetrate like benefices, whereby prejudice, damage, or impeachment has been or may be done hereafter to him or to his said subjects in their persons, inheritances, possessions, rights, or goods whatsoever, or to the laws, customs, usages, franchises, and liberties of his said realm and of his crown; likewise in case of all their maintainers, advisers, abettors, and other assistants and favourers wittingly, as well at the suit of the King as of the party, or of any other whatsoever of the realm, finding pledges and surety to sue against them in this behalf, that all the said persons defamed and greatly suspected of such impetrations, grievances, or suits be arrested and taken by the sheriffs of the places, justices in their sessions, deputies, bailiffs, and other officers of the King, and by good and sufficient mainprise, replevin, bail, or other pledge, the shortest that can be, that they be presented to the King or to his council to abide there, and to stand to right, and to receive what the law shall give them, and if they be attainted or convicted of any of the said things, that they have the penalty contained in the statute made in the twenty-fifth year of our lord the King, which begins 'at the Parliament summoned at Westminster, &c.'

and their
abettors,

shall be
arrested and
held to bail,

and on conviction, shall be
punished according to
the English
Statute,
25 Edw. III.

And if any persons defamed or suspected of such impetrations, prosecutions, grievances, or enterprises, be they without the realm or within, and cannot be attached or arrested in their proper persons, and do not present themselves before the King or his council within the two months after they are warned in their places, if they have any, or any of the courts of the King or in the counties, or before the justices of the King in their sessions, or in other sufficient manner, to answer to the King and to the party, and to abide and stand to the law in this case, that they be punished before the King and his council in the manner and form contained in the statute in the twenty-seventh year of our lord the King, which begins 'Our lord the King, etc.'; and otherwise as to the King and to his council shall seem fit to be done, without grace, pardon, or remission to be shown to any of them by our lord the King, without the assent and will of the party who shall prove himself to be aggrieved, and without making to him due satisfaction in this case.

II.

Suspected
persons not
appearing
after warning
to incur
penalty of the
English
Statute,
27 Edw. III.

Item ordeigne est que nulf autre subget de mesme le roialme gardant & sustenant ses ditz ordenaunces nencourge nulle forfaiture de vie ne de membre de fre hiritage ne des biens deus le Roy ne auſe psonne quelqonq ne ne pde estat ne fauour p cause de les choses suisditz ordonnez ne luy ne sez heirs ne purront ne deſont estre reprouez & diffamez ne ſmpeschez pour auscuns des ditz causes en aucun temps auenier. Et sauscune psonne de quele estat ou condicioñ qil soit p quelqonq maſſe qe se soit attempte ou face ausquene chose a lencontre des ditz ordenaunces ou dascuns choses comprinses deinz ycells ; soit la dŕe psonne mesne en response en la maſſe come desuis est dit, et sil soit de ceo atteint ou vencu, soit mys hors de la pteccioñ le Roy & punie p forme de le dit estatut de lan xxvij^{me}.

Et sauscune psonne face malicieusement¹ ou fauxeñt auscune p^rsuit encontre psonne quelqonq du dit roialme p cause comprinses en ces ſſentz ordonnances & de ceo soit dueñt atteint, soit tiel plaintiff dueñt puniz al ordonnance du Roy ou de soñ counseil et nientmoins face gree & lamendes a la ptie qad este greue p sa plaint, & a fin q̄ les ditz ordonnances & chesqun deux p^r aise quiete & ſn cōe soient le meulx sustenutz executz & gardez et q̄ touz ceux que ont mesprise ou mesprendront encontre ceste ordonnance p psecucions accusacioñs denunciacioñs citacions ou pcesces faitz ou affairs hors du dit roialme ou dedeins ou autreñt contre quelqonq psonne du roialme, soient le plus couenableñt & pmtẽt mesmes a response pour resceiſſe droit solonc leure desert, le Roy ſlatz ducs Countes Contes Baroñs nobles & auſes cōes Clerkes & laies sont tenuz p ceste ſſente ordonnance daider conforter conseiller lun &¹ lautre & tant souuent come besoigſſa & p toutz les meilleurs maſſes que faire se purra de pole & de fait pour empescher tielles meffaisours & resister de fait a leur entreprinse & saunz les soeffror habiter demurrer ne passer p leurs puissances seigno^ries f^res iurisdiccions ne lieux & sont tenuz de garder & defendre lun &¹ lautre de touz

¹ English Statute Roll reads a.

Also, it is ordained that no other subject of the said realm, keeping and maintaining these said ordinances, incur any forfeiture of life or of limb, of land, inheritance, or of goods, against the King or any other person whatsoever, nor lose estate or favour by reason of the aforesaid things ordained, nor may or ought he or his heirs to be re-proved, defamed, or impeached for any of the said causes in any time to come. And if any person of whatever state or condition he be, by whatever manner it may be, attempt or do anything to the contrary of the said ordinances or of any of the things contained therein, that the said person be brought to answer in the manner as is aforesaid; and if he be thereof attainted or convicted, that he be put out of the King's protection and punished by the form of the said statute of the twenty-seventh year.

III.

Only offenders specified shall incur any forfeiture under this ordinance.

And if any person maliciously or falsely make any suit against any person whatsoever of the said realm, for a cause contained in these present ordinances, and hereof be duly attainted, that such plaintiff be duly punished at the ordinance of the King or of his council, and nevertheless make satisfaction and amends to the party who has been aggrieved by his complaint. And to the end that the said ordinances and each of them may for ease, quietness, and common benefit be the better maintained, executed, and kept, and that all those who have offended or shall offend against this ordinance by prosecutions, accusations, denunciations, citations, or processes made or to be made, out of the said realm or within, or otherwise against any person of the realm, may be the more conveniently and speedily brought to answer, to receive right according to their desert, the King, prelates, dukes, earls, barons, nobles, and others, commons, clerks, and laymen are bound by this present ordinance to aid, support, and advise one another, and as often as shall be needful and by all the best means that may be, of word and of deed, to impeach such wrongdoers, and to resist by deed their endeavour, and without allowing them to dwell, abide in, or pass through their dominions, lordships, lands, jurisdictions, or places; and are bound to keep and defend one another

IV.

Punishment of those who sue maliciously under this statute.

All people to assist in enforcing this ordinance.

dommages velanies & reproeues sicome ils ferrent leurs ppres psonnes & pour leur fait & busoigne & p tiel manie & aussi au^{nt} come tielx psecucions ou pcesses fuissent faitz ou attemptez encontre eaux en espal ou en comune.

Item¹ p^r ceo qauquns p^rchaceont en la Court de Rome puisions dauoir Abbeis & Priories en Englefre en destruccioⁿ du roialme & de seinte religioⁿ Accorduz est qⁱ chun qⁱ p^rchace tiel puision del Abbeie ou Priorie qⁱ luy & sez executours & pcurato^rs qui suont & font executioⁿ des tielx puisions soient hors de la pteccioⁿ n^{re} f^r le Roy & qⁱ h^ome puisse faire de eux come des enemys n^{re} dit f^r le Roy & de soⁿ roialme & celluy qui face contre tielx puisours en corps ou en biens ou en au^ts possessions soit excuse de^ls tous gentz & p tant ne soit iames empeschez ne greue a la suite de nully.

Come² iadis en plement de bone memorie E. Roy denglefre aiel n^{re} f^r le Roy qorest lan de soⁿ regne xxxv tenuz a Cardoilt oie la peticioⁿ mys deu^{nt} le dit aiel & soⁿ conseil^t en le dit plement p la C^oialte de soⁿ dit roialme conteinante qⁱ come seint esglise denglefre estoit fondee en lestat de p^lacie deinz le Roialme denglefre p le dit aiel & ses pgenitours & Contes Baroⁿs nobles & au^ts de soⁿ dit roialme & leurs auncestres pour eux & le poeple enfo^rmer de la leie dieu & pour faire hospitalitees almoignes & au^ts oeures de charite es lieux ou lesglises feurent founduz p^r les almes des foundo^rs lo^rs heirs & tous xpⁱenz & etayns possessions tant en fees l^{res} & rentes come en aduo^esoⁿs qe extendont a g^aunde value p lez ditz foundours & furront assignez as p^latz & au^ts gentz de seinte esglise du dit roialme pour celle charge susteigner & nomeⁿt des possessions que feurent assignez as Erceuesques Euesques Abbes Priours religieuses & au^ts gentz de seinte esglise p les Royes du dit roialme Contes Baroⁿs & au^ts g^aundes de soⁿ roialme, mesmes les Royes Countes Baroⁿs & nobles come f^rs

¹ *Statutes of the Realm*, I. 323.

² *Statutes of the Realm*, I. 316.

from all injuries, villainies, and reproofs as they would do their own persons, and for their deed and business, and in such manner and as far as such prosecutions or processes were made or attempted against them, in particular or in common.

Also, because some purchase in the court of Rome provisions to have abbeys and priories in England, to the destruction of the realm and of holy religion, it is agreed that every one who purchases such provision of abbey or priory, he and his executors and proctors who sue and make execution of such provisions, be out of the protection of our lord the King, and that men may do with them as with enemies of our said lord the King and of his realm, and that he who opposes such provisors in person or in goods, or in other possessions, be excused against all people, and never be impeached or aggrieved therefor at the suit of any person.

Penalties for purchasing provisions at Rome for abbeys or priories.

Whereas lately in the parliament of Edward King of England, of famous memory, grandfather of our lord the King that now is, in the thirty-fifth year of his reign, held at Carlisle, after hearing the petition put before the said grandfather and his counoil in the said parliament by the commonalty of his said realm, containing that whereas the holy church of England was founded in the estate of prelacy within the realm of England by the said grandfather and his ancestors, and the earls, barons, nobles, and others of his said realm and their ancestors, to instruct them and the people in the law of God and to perform hospitalities, alms, and other works of charity in the places where the churches were founded, for the souls of the founders, their heirs and all Christians, and certain possessions, as well in fees, lands, and rents as in advowsons, which amount to great value, were by the said founders assigned to the prelates and other men of holy church of the said realm, to sustain this charge, and especially in the case of possessions which were assigned to the archbishops, bishops, abbots, priors, religious and other men of holy church by the kings of the said realm, earls, barons, and other great men of his realm, the said kings, earls, barons,

Proceedings in Parliament (England) of 36 Edw. I.

Origin and purpose of possessions being given to the church.

et advowes eussent et auoir deussent la garde de tielx voidances
 et les presentements et collacions des benefices esteantz de tielx
 places et les ditz Roys en temps passe soloient auoir la
 greindre partie de leur conseil pour la saluacion du roialme
 quant ils en eurent mistier des tielx plats et clerks issint
 auancez ; le pape de Rome accrochant a luy les terres de tielx
 possessions et benefices mesmes les benefices dona et granta as
 alienis qui vnques ne demurreront en Engleterre et as Cardinalz
 qui y demurrer ne purront et as autres si ben alienis come denizins
 au si come il eust este patron ou aduowe des ditz dignitees et
 benefices come il ne feust de droit solonc la ley dengleterre ; par les
 queux s'ils feussent soeffrez, a pain dem'oit aucun benefice en poi
 de temps en le dit roialme qil ne f'roit es mains d'alieins et
 denizins par vertu de tielx p'uisions contre la bone volunte
 et disposicion des foundours de mesmes les benefices et issint les
 eleccions des Erceuesques Euesques et autres religieuses faudroient
 et les almoignes hospitalitees et autres oeures de charite queux
 f'roient faitz es ditz lieux f'roient sustraetz, le dit aiel et autres
 laies patrons en temps de tielx voidances p'deroient leurs
 presentements le dit conseil piroit et biens saunz nombre serroient
 emportez hors du roialme en adnullacion de lestat de saint
 esglise dengleterre et disheretance du dit aiel et des Contes
 Barons et autres nobles du dit roialme et en offense et destruccion
 des loies et droitures de son roialme et a grande domnage de
 son poeple et en sub'uscion de tout lestat de son roialme suisdit
 et contre la bone disposicion et volunte des premiers foundours ; de
 lassent des Contes Barons nobles et de toute la dite Cōialtee a
 leurs instances et requestes considerez les dommages et greuances
 suisditz, en le dit pleine parlement fuist ordonne q' les ditz
 opp'essions greuances et dommages en mesme le Roialme des
 adonq's mes ne f'ront soeffretz en aucune maniere. Et ia monstre
 soit a n're f'r le Roy en ceste p'sente Parlement tenuz a Westm
 a les Oeptaves de la Purificacion de n're dame lan de son roialme
 dengleterre xxv et de ffrance xii^m par les greuouses plaints de la
 toute cōe de son roialme q' les greuances et meschiefs suisditz
 saboundent de temps en temps au plus grand domnage et

and nobles, as lords and patrons had and ought to have the guardianship of such vacancies, and the presentations and collations of the benefices belonging to such prelacies; and the said kings in time past were accustomed to have the greater part of their council, for the preservation of the realm when they had need thereof, of such prelates and clerks so advanced; the Pope of Rome arrogating to himself the lordships of such possessions and benefices, gave and granted the said benefices to aliens who never dwelt in England, and to Cardinals who could not dwell there, and to others as well aliens as denizens, just as if he had been the patron or founder of the said dignities and benefices, as he was not of right, according to the law of England; whereby, if they were permitted, there would scarcely remain in a short time any benefice in the said realm that would not be in the hands of aliens and denizens, by virtue of such provisions, contrary to the good will and disposition of the founders of the said benefices, and thus the elections of archbishops, bishops, and other religious [persons] would fail, and the alms, hospitalities and other works of charity which should be performed in the said places, would be withdrawn, the said grandfather and other lay patrons, in time of such vacancies, would lose their presentations, the said council would be lost, and goods without number would be carried away out of the realm, to the destruction of the estate of holy church of England, and disherison of the said grandfather and of the earls, barons, and other nobles of the said realm, and in opposition to and destruction of the laws and rights of his realm, and to the great injury of his people, and in subversion of all the estate of his realm aforesaid, and contrary to the good disposition and will of the first founders. With the assent of the earls, barons, nobles and of all the said commonalty, at their instances and requests, the injuries and grievances aforesaid having been considered, in the said full parliament, it was ordained that the said oppressions, grievances, and injuries in the said realm from henceforth should not be suffered in any manner. And now be it shewn to our lord the King in this present parliament held at Westminster in the octaves of the Purification of our Lady, in the 25th year of his reign of England, and the twelfth of France, by the grievous complaints of all the commonalty of his realm, that the grievances and mischiefs aforesaid do from time to time abound to the very great injury

Vacancies and presentations of benefices belong to the King and nobles.

The Pope bestowed benefices on aliens not dwelling in England.

Inconveniences resulting.

Provision against such in parliament, (England) 36 Edw. I.

destruccioñ de tout soñ roialme plus q unges ne fuerent deu't. cestassauoir qore de nouell ñre seint pierre le pape p pcurement des Clerks & auñment ad reserue & reserue de iour en autre a sa collacion geñalment & spalment sibien Erceueschies Eueschies Abbeis & Priouries come touz auñs dignitees & auñs bnñces en Engleŕre, queux sont de la vouerie des gentz de seint eaglise & les doun auxi ben as alienis come as denizins & pnt de touz tielx bnñces les primis fruitz & auñs pluso's pfitz & gñde ptie de Tresore du roialme si est emporte & despenduz hors du roialme p les p'chaceou's des tielx gñces & aussi p tielle refuacioñ priues plusours Clerks auancez en ceste roialme p lours vñraies patrons qount tenuz lours auancements paisiblement p long temps sont sodaignemñt oustez. Sur quoy le dit cõe ad prie ñre fñ le Roy q de sicome le droite de la Corore dengleŕre & la leye du dit roialme sont tielx q sur meschiefs & dommages que si aueignont a soñ roialme il doit & est tenuz p soñ serement del accord de soñ dit poeple en soñ parlement ent faire remedie & leye en oustand les meschiefs & dommages qeney veignent q luy plaise de ceo ordonner remedie. Nostre seignour le Roy veiant les meschiefs & dommages suisnõmes & aiont regarde au dit estatut fait en temps de soñ dit Aiel & a les causes contenuz en ycelles le quell estatut tient tous iours sa force & ne fuist vnqes defait ne adnully en null point & p tant il est tenuz p soñ sement de le faire garder come la leye de soñ roialme coment q p negligence & soeffrance ad este depuis attempte a contñrie & aussi eiant regarde a les greueuses complaints a luy faites p soñ poeple es ses diñses plementz cea enariere tenuz; vuillant les gñundes damages & meschiefs queux sont aueignuz & aueinont de iour en autre a lesglise dengleŕre p la dñce cause ent remedie ordonner, p assent de toutz les gñundes & la Cõialte de soñ dit roialme al hono' de dieu & pñt de la dite eaglise dengleŕre & de tout soñ roialme, ad ordonne & establee q les fñunkes eleccions dercheueschies Eueschies & toutes auñs dignitees & benefices electiues en Engleŕre se tieignent desore en masse come ils feuront gñuntez p les pgenitours ñre dit fñ le Roy & p les auncestres dauñs fñs

and destruction of all his realm, more than ever were before, to wit, that now of late our holy father the Pope by procuring of clerks and otherwise, has reserved and does from day to day reserve to his collation generally and specially, as well archbishoprics, bishoprics, abbeys, and priories, as all other dignities and other benefices in England, which are of the patronage of men of holy church, and gives them as well to aliens as to denizens, and takes from all such benefices the First Fruits, and many other profits; and a great part of the treasure of the realm is thus carried away and expended out of the realm by the purchasers of such graces; and further by such reservation, many of our own clerks advanced in this realm by their true patrons, who have held their advancements for a long time in peace, are suddenly put out. Whereupon the said commonalty has prayed our lord the King that since the right of the crown of England and the law of the said realm are such, that upon the mischiefs and injuries that so happen to his realm he ought and is bound by his oath, with the consent of his said people in his parliament, to make thereof remedy and law by removing the mischiefs and injuries that thus happen, it may please him to ordain a remedy hereof.

The Pope bestows benefices, and reserves the First Fruits to himself.

Our lord the King, seeing the mischiefs and injuries aforementioned, and having regard to the said statute made in the time of his said grandfather, and to the causes contained in the same, which statute always keeps its force and was never repealed or annulled in any point, and in as much as he is bound by his oath to cause it to be observed as the law of his realm, although by negligence and sufferance it has been since then attempted to the contrary, and also having regard to the grievous complaints made to him by his people in his several parliaments heretofore held, willing to ordain remedy for the great injuries and mischiefs which have happened and do happen from day to day to the church of England by the said cause, by the assent of all the great men and the commonalty of his said realm, to the honour of God and profit of the said church of England and of all his realm, has ordained and established that the free elections to archbishoprics, bishoprics, and all other dignities and benefices elective in England be held henceforth in the manner as they were granted by the progenitors of our said lord the King, and

The causes and reasons of making this Statute.

Elections to bishoprics and other dignities to be free.

foundes & q̄ tous platz & auſ gentz de ſeint eſgliſe qount aduoweſoñs des quelesqonqes bñfices des douns ſire & le Roy & de ſes pgenito's & dauſs & dono's p' faire diuines ſuices & auſs chargez ent ordonnez, eient lo' collacions & p̄ſentements f'unchem̄t en maſſe come ils eſtoient feoffez p leurs dono's ; et en cas q̄ dauscune Erceueſchie Eueſchie dignitee ou autre q̄conq, bñfice ſoit reſeruacioñ collacioñ ou puiſioñ fait p la Courte de Rome en deſtoubance des eleccions collacions ou p̄ſentacions ſuiſnōmes qa meſme le temps de voidance q̄ tielx reſeruacions collacions ou puiſions deusſent p̄ndre effect, q̄ a meſme le voidance ñre & le Roy & ſes heires eient & enioient p' celt temps les collacions as Erceueſchies Eueſchies & auſs dignitees electiues queux ſont de ſa vourie ou tielx come ſez pgenito's auoient au'nt q̄ frank eleccioñ fuiſt g'auntee de ſicome les eleccions feuront primes g'auntees p les pgenito's le Roy s'r c̄taine forme & condicioñ come a demander de Roy congie deſlire & puis aſſs la eleccioñ dauoir ſoñ aſſent roial & nemye en autre maſſe ; les quelles condicions nient gardez la choſe doit p reſoñ reſortier a ſa primer nat'e et q̄ ſi daſcune maiſoñ de religioñ de aduoweſoñ le Roy ſoit tiele reſeruacioñ puiſioñ ou collacion faite en deſtoubance de frank eleccioñ, eit ñre & le Roy & ſes heires a celt foitz la collacioñ a doner celle dignitee a p̄ſone couenable, et en cas q̄ collacioñ reſeruacioñ ou puiſioñ ſoit fait a la Courte de Rome de nulle eſgliſe p̄uendre ou auſs bñfices qe ſont de la vourie des gentz de ſeinte eſgliſe dont le Roy eſt aduowe painont immediate q̄ a meſme le temps de voidance a quelle temps la reſeruacioñ collacioñ ou puiſioñ deusſent p̄ndre effect come deſuis eſt dit, q̄ le Roy & ſez heirs de ceo eient le p̄ſenteñt ou collacioñ a celt foitz & iſſint de temps en temps a toutz les foitz q̄ tielx gentz de ſeint eſgliſe ſront deſturbez de leur p̄ſent̄ ou collacions p tielx reſeruacions collacions ou puiſions come deſuis eſt dit, Salue a eux la droit de leurs aduoeſons & leurs p̄ſentements q'aunt nulle collacioñ ou puiſioñ en la Co't de Rome ent ne ſoit faite ou q̄ les ditz gentz de ſeinte eſgliſe euſſent ou vullent as meſmes les bñfices p̄ſenter ou collacioñ faire & leurs p̄ſentees

founded by the ancestors of other lords, and that all prelates and other men of holy church who have advowsons of any benefices, of the gifts of our lord the King and of his progenitors, and other lords and donors, to perform divine services and other charges thereof ordained, have their collations and presentations freely in the manner as they were enfeoffed by their donors. And in case that reservation, collation, or provision of any archbishopric, bishopric, dignity, or other benefice whatsoever be made by the court of Rome in disturbance of the elections, collations, or presentations aforementioned, at the same time of the vacancy when such reservations, collations, or provisions should take effect, that at the said vacancy, our lord the King and his heirs have and enjoy for that time the collations to the archbishoprics, bishoprics, and other dignities elective, which are of his patronage, or such as his ancestors had, before free election was granted, seeing that elections were first granted by the progenitors of the King upon a certain form and condition, as to ask licence to elect from the King, and then after the election to have his royal assent and not in any other manner; which conditions not being observed, the matter ought reasonably to revert to its first nature. And if [in the case] of any house of religion in the King's patronage there be made such reservation, provision, or collation in disturbance of free election, that our lord the King and his heirs have the collation on that occasion, to give that dignity to a suitable person. And in case that collation, reservation, or provision be made at the Court of Rome of any church, prebend, or other benefices that are in the patronage of men of holy church, of whom the King is paramount immediate patron, at the same time of the vacancy when the reservation, collation, or provision ought to take effect as is aforesaid, that the King and his heirs have the presentation or collation thereof on that occasion; and so from time to time on all occasions that such men of holy church shall be disturbed in their presentations or collations by such reservations, collations, or provisions, as is aforesaid; saving to them the right of their advowsons and their presentations when no collation or provision be made thereof in the Court of Rome, or when the said men of holy church have [presented] or are willing to present or make collation to the said benefices, and their presentees may enjoy the effect of their collations

Collations and presentations free.

Where the Pope makes provision to a dignity, the King shall present.

So in cases of provision to Religious Houses, or to benefices of the advowson of the clergy.

Saving when no provision, or the parties themselves present.

puissent leffect de lo's collacions ou βsentements enioier & en mesme le maſſe eit chun aut^r & de quell condicioñ quil soit les βsentements ou collacions a les maisons de religioñ queux sont de sa vouerie & as bnſices de seint esglise queux sont app'tenantz as mesmes les maisons et si tielx aduowes ne βsentent point as tielx bnſices deins le dī an aβs tielx voidances ne leuesq de lieu ne les doun p laps de temps deins vn moys aβs le dī an q adonques le Roy ent eit les βsentements & collacions come il ad dauſ de sa vouerie de mesme, et en cas q les βsentees le Roy ou les βsentees dauſ patrones de seinte esglise ou de los lours aduowes ou ceux as queux le Roy ou tiellex patrons ou aduowes suisditz adont donez bnſices app'tenantz a leurs βsentements ou collacions soient desturbetz p tielx puisours issint qils ne puissent auoir possession de tielx bnſices p vtu des βsentements ou collacions issint a eux faitz ou qi ceux qui sont en possession de tielx bnſices soient empeschez sour lours ditz possessions p les puisours adonq soient les dites puisours lours pcurato's executo's & Notairs attachiez p lours corps & mesnes en response & sils soient conuictz demoergent en prisone saunz estre lesse a mainpris en¹ baille ou auſment deliſez tanq ils eient fait fyne & redempcioñ au Roy a sa volunte & gree a la ptie qe sentra soi grene & nientmoins au^{nt} qils soient deliſez facent plaine renunciacioñ & troeuent sufficeante seurtee qils nattemptent tielx choses en temps auenier ne nulle pcesse sueront p eaux ne p auſ deſs nully en la dce Co^{rt} de Rome ne nulle part aillours p^r nulles tielx emprisonementz ou renunciacioñs ne nulle aut^r chose dependante deux et en cas q tielx puiso's pcurato's executo's & Notairs ne soient trouez q lexicgend courge deſs eux p due pcesse & q briefs issent de βndre leur corps es quelles pties qils soient trouez aussi bien a la suite le Roy come a la suite la ptie & q en le mesne temps le Roy eit les pfitz des tielx bnſices issint ocupiez p tielx puiso's

¹ *English Statute Roll* reads "ou."

or presentations. And in the same manner that every other lord, of whatever condition he be, have the presentations or collations to the houses of religion which are of his patronage, and to the benefices of holy church which are appurtenant to the said houses; and if such patrons do not present to such benefices within the half year after such vacancies, and the bishop of the place does not give them by lapse of time within a month after the half year, that then the King have the presentations and collations thereof, as he has of others of his own patronage. And in case that the presentees of the King or the presentees of other patrons of holy church or of their advowees, or those to whom the King or such patrons or advowees aforesaid shall have given benefices appurtenant to their presentations or collations, be disturbed by such provisors, so that they cannot have possession of such benefices by virtue of the presentations or collations so made to them, or [in case] that they who are in possession of such benefices are impeached upon their said possessions by the provisors, that then the said provisors, their proctors, executors, and notaries be attached by their bodies and brought to answer, and if they be convicted, that they remain in prison without being let to mainprise [or] bail or being otherwise delivered until they have made fine and ransom to the King at his will, and satisfaction to the party who shall feel himself aggrieved; and nevertheless before they are delivered, that they make full renunciation and find sufficient surety that they will not attempt such things in time to come, nor sue any process by themselves or others against anyone in the said court of Rome or any where else, for any such imprisonments or renunciations or any other thing connected therewith.

Presentation
by patrons :
and on their
default, by the
King.

The penalty
for disturbance
by provisors.

Imprisonment
on conviction.

Renunciation,
and surety
against future
attempts.

And in case that such provisors, proctors, executors, and notaries are not found, that exigent run against them by due process, and that writs issue to take their bodies, in whatever parts they be found, as well at the suit of the King as at the suit of the party; and in the meantime that the King have the profits of such benefices so occupied by

Process of
outlawry.

forsprises Abbeis Priories & auſs maisons qount colleges ou Couuent, & en tielx maisons eient les Colleges & Couuents les pſitz sauuent tout foitz a nŕe ſ^r le Roy & as auſs ſ^s leur auncien droit et eit ceste estatut lieu auſſibn des reseruacions collacions & puisions faitz & g^auntez en temps passe deſs tous ceulx qi ne sont vnqore adeptez corporele possession des bñfices a eux g^auntez p mesmes les reseruacions collacions & puisions come deſs toutz auſs en temps auaigner & doit ceste estatut tenir lieu comenceant a les Oeptaues au^{nt} ditz. Item¹ Come le noble Roy Edward aiel nŕe ſ^r le Roy qorest a soñ parlement tenuz a Westm̄ a les oeptaues de la purification de nŕe dame, lane de soñ regne xxv fist reciter lestatut fait a Cardoill en temps soñ aiel le Roy E. fitz au Roy H. touchant lestat de seint esglise dengl, le dit aiel nŕe ſ^r le Roy qorest de lassent des g^aundes de soñ roialme en mesme le plement tenuz le dit An xxv esteant, al hon^r de dieu & scint esglise & de tout soñ roialme ordinast & establíst q frankes eleccions des Erceueschies Eueschies & tous auſs dignitees & bñfices electives en Engleſre se tiendrent delors en masse come ils feuront g^auntez p ses pgenitours & p les auncestres des auſs ſ^s foundo^s & tous platz & auſs gentz de seinte esglise qi auoient aduoceors des quellesconqes bñfices de doun le Roy ou de sez pgenito^s ou dauſs ſ^s & dono^s eussent fraunchement leurs collacions & pſentements & sur ceo ctaine punissement estoit ordonne en mesme lestatut q^a ceulx qui acceptent auscune dignitee ou bñfice au cont^{rie} du dit estatut fait a Westm̄ le dit an xxv come deu^{nt} est dit, le quell estatut nŕe ſ^r le Roy ad fait reciter en ceste pſente plement a la requeste de sa cõe en mesme le plement de mot en mot.

Et² outre ceo nŕe dit ſ^r le Roy qorest de lassent des g^aundes de soñ roialme esteauntz en ceste pſente plement ad

¹ *Statutes of the Realm*, II., 69.

² English Statute Roll reads *pur.*

³ *Statutes of the Realm*, II., 73.

such provisors, except abbeys, priories, and other houses which have colleges or convent, and in such houses that the colleges and convents have the profits, saving always to our lord the King and to the other lords their ancient right. And that this statute have place, as well of the reservations, collations, and provisions made and granted in time past against all those who have not yet obtained corporal possession of the benefices granted to them by the said reservations, collations, and provisions, as against all others in time to come; and this statute ought to hold place, beginning at the octaves aforesaid.

The King shall have immediate profits.

Commencement of this Act.

Also whereas the noble King Edward, grandfather of our lord the King that now is, at his parliament held at Westminster in the octaves of the Purification of our Lady, in the twenty-fifth year of his reign, caused to be recited the statute made at Carlisle in the time of his grandfather, the King Edward, son to King Henry, touching the estate of holy church of England; the said grandfather of our lord the King that now is, with the assent of the great men of his realm present in the said parliament, held in the said twenty-fifth year, to the honour of God and holy church and of all his realm, ordained and established that free elections to archbishoprics, bishoprics, and all other dignities and benefices elective in England be held thenceforth in the manner as they were granted by his progenitors and by the ancestors of the other lords founders, and [that] all prelates and other men of holy church who had advowsons of any benefices, of the gift of the King or of his progenitors or of other lords and donors, should freely have their collations and presentations. And thereupon a certain punishment was ordained in the said statute for those who accept any dignity or benefice contrary to the said statute made at Westminster in the said twenty-fifth year, as is aforesaid. Which statute our lord the King has caused to be recited in this present parliament, at the request of his commons in the said parliament word by word.

Effect of the English Statute 25 Edw. III. No. 4, concerning provisors recited.

And furthermore our said lord the King that now is, with the assent of the great men of his realm, being in this present parliament, has ordained

For all benefices void after a

ordonne & establee q̄ de toutz Erceueschies Eueschies & auſ dignitees & bnſices electiues & auſ bnſices de ſainte eglise qe qonques qe cōmencerent deſtre voidez de fait le xxix ior de Januer lan de regne nre dit ſr le Roy Richard ſzime ou puis cu qe ſe voideront en temps aueigner deins le Roialme dengleſre le dit estatut fait le dit an xxv ſoit fermeſt tenuz p^r toutz iours & mys en due execucion de temps en temps en toutz pointz, Et ſauscun face auscune acceptacion dascun bnſice de ſainte eglise au contrie dicest estatut & ceo dueſt proeue & ſoit depardela demoerge exily & banny hors du roialme pour tous iours & ſez ſres teſtz biens & chateux forfaitz au Roy et ſil ſoit deins le roialme, ſoit auxint exile & banny come deu^{nt} est dit & encourage meſme la forfaiture & ſigne ſoſ chymyn iſſint q̄l ſoit hors du roialme deins ſys ſemaignes p̄chſn aſs tielle acceptacion et ſauscun recept auscun tiel banny veignant dep de la ou eſteant deins le roialme aſs les ſys ſemaignes a^{unt}ditz conuſteant de ceo, ſoit auxint exile & banny & encourage tielle forfaiture come deu^{nt} est dit et q̄ leurs p̄urato^s Notairs executo^s & ſūmono^s eient la peine & forſfait^e ſuiſd̄es, Purueu nep^rqant q̄ tous ceulx as queux nre ſeint p̄iere le pape ou ſes p̄deceſſo^s ont p^rueue auscune Erceueſchie Eueſchie ou auſr dignitee ou bnſice electiues ou auſ bnſices de ſeint eglise del patronage des gentz de ſainte eglise a cauſe de voidance deu^{nt} le dit xxix iour de Januer & ent feurent en corporele poſſeſſion deu^{nt} meſme le xxix^e ior eient & enioient leurs ditz Erceueſchies Eueſchies dignitees & bnſices peiſiblement po^r leur vies nient contreſteantz les estatutz & ordonnances a^{unt}d̄es. Et ſi le Roy enuoie p^r ſre ou en auſe maſſe a la Co^rt de Rome a l'excitacion dascune pſonne ou ſascune auſe enuoie ou prie a meſme la Court p^r ont q̄ la contrie diceste estatut ſoit fait touchant auscune Erceueſchie Eueſchie dignitee ou autre bnſice de ſainte eglise deins le dit roialme, ſi celly q̄i face tielle excitacion ou tielle prier ſoit ſlat de ſainte eglise paie a le Roy le value de ſez tempaltees dun an et ſil ſoit ſr temporel paie au Roi le value de ſez ſres & poſſeſſions nient moebles dun an, et ſil

and established, that as regards all archbishoprics, bishoprics, and other dignities and benefices elective, and other benefices of holy church whatsoever; that began to be vacant on the 29th day of January in the thirteenth year of the reign of our said lord the King Richard, or thereafter, or which shall become vacant in time to come within the realm of England, the said statute made in the said twenty-fifth year be always strictly kept, and put into due execution from time to time in all points. And if anyone accept any benefice of holy church contrary to this statute, and it be duly proved and he be beyond the sea, that he remain exiled and banished out of the realm for ever, and that his lands, tenements, goods, and chattels be forfeited to the King, and if he be within the realm, that he also be exiled and banished, as is aforesaid, and incur the said forfeiture, and take his way so that he be out of the realm within six weeks next after such acceptance. And if any one receive any such banished person coming from beyond the sea or being within the realm after the six weeks aforesaid, knowing thereof, that he also be exiled and banished and incur such forfeiture as is aforesaid; and that their proctors, notaries, executors, and summoners have the penalty and forfeiture aforesaid. Provided nevertheless that all those to whom our holy father the Pope or his predecessors have provided any archbishopric, bishopric, or other dignity or benefice elective, or other benefices of holy church of the patronage of the men of holy church, by reason of a vacancy before the said 29th day of January, and [who] were in corporal possession thereof before the said 29th day, have and enjoy their said archbishoprics, bishoprics, dignities, and benefices peaceably for their lives, notwithstanding the statutes and ordinances aforesaid. And if the King send by letter or in other manner to the court of Rome at the instigation of any person, or if any other send or make prayer to the said Court, whereby anything is done contrary to this statute touching any archbishopric, bishopric, dignity, or other benefice of holy church within the said realm, if he who so instigates or makes such prayer be a prelate of holy church, that he pay to the King the value of his temporalities of one year, and if he be a temporal lord that he pay to the King the value of his lands and immovable possessions of one year, and if he be another

certain day, the English Statute (35 Edw. III. No. 4) of provisors shall be put in execution.

If any accept of a benefice contrary to said Statute, he shall be banished the realm.

Punishment of receivers, proctors, &c., of offenders.

Beneficed persons to whom the Pope had previously given dignities excepted.

Penalty of suing to the court of Rome to infringe the purport of this Statute.

soit ante psone destat plus baas paie a Roi le value del bnfice pur quele tielle priere soit fait & eit la prisone dun an. Et est lentencion dicest estatut q de tous dignitees & bnfices de seinte esglise qe estoient voidez de fait le dit xxix^e iour de Januer queux sont douiez ou as quenlx soit p'ueu p lappostilt deu^{nt} mesme le xxix^e iour de Januer q ceulx as queux tielx douns ou puisions soient faitz peussent franchemt de tielx dons ou puisions suer execucion sanz offense dicest estatut purueu tous foitz q de nulle dignitee ou bnfice qestoit plaine le dit xxix^e iour de Januer nult a cause dascun doun collacion reseruacion ou puisioñ ou dau^e g^{ce} de lappostoilt qeqonq nient execute deu^{nt} le dit xxix^e iour de Januer ne sue ent execucion sur les peines contenuz en cest p^{sent} estatut. Item ordonnez est & establee q sascun port ou enuoie deinz le roialme ou le poair nre dit f^r le Roy nre dit f^r le Roy¹ ascuns somonsons sentences ou excomengements deus ascune psone de quelle condicioñ qil soit a cause de la mocioñ faisant assent ou execucion du dit estatut des puisours, soit il pris & arestuz & mys en prisone & forface toutz sez p^{res} & teñtz biens & chateux po^r toutz iours & outre encourage la peine de vie & de membre. Et sascun p^{lat} face execucion de tielx somons sentences ou excomengements q sez temporaltees soient prises & demorgent es mains nre dit f^r le Roy tanq due redresse & correccioñ ent soit faite et sauscune psone de meindre estate q p^{lat} de quell condicioñ qil soit face tielle execucion soit pris & arestuz & mys en prisone & eit lemprisonement & face fyn & raunceon solonc la discrecioñ du conseil nre dit f^r le Roy.

Item² ordonnez est & establee q si ascun puisioñ soit fait p nre seint piere le Pape au ascune psone de religioñ ou aue psone qeqonq destre exempte dobedience reguler ou dobedience ordinarie ou dauoir ascune office ppetuel^l deinz measons de religioñ ou a tant come vn regulere psone religieuse ou deux

¹ Words repeated in MS.

² *Statutes of the Realm*, II., 121.

person of a lower estate that he pay to the King the value of the benefice for which such prayer be made, and be imprisoned for one year. And it is the intention of this statute that [in the case] of all dignities and benefices of holy church which were vacant on the said 29th day of January, which are given or to which provision is made by the Pope before the said 29th day of January, that they to whom such gifts or provisions be made may freely sue execution of such gifts or provisions without offending against this statute, provided always that [in the case] of any dignity or benefice which was full on the said 29th day of January, none by reason of any gift, collation, reservation, or provision, or of other grace of the Pope whatsoever, not executed before the said 29th day of January sue execution thereof, upon the penalties contained in this present statute.

Saving as to benefices void on, but collated before the day named, but not after.

Also it is ordained and established that if anyone bring or send into the realm or jurisdiction of our said lord the King any summons, sentences, or excommunications against any person of whatsoever condition he be, by reason of the motion, making assent or execution of the said statute of Provisors, that he be taken and arrested and put in prison, and forfeit all his lands and tenements, goods, and chattels for ever, and further incur the penalty of life and of limb. And if any prelate make execution of such summons, sentences, or excommunications, that his temporalities be taken and remain in the hands of our said lord the King until due redress and correction be made thereof. And if any person of less estate than a prelate, of whatsoever condition he be, make such execution, that he be taken and arrested and put in prison, and remain in prison and make fine and ransom, according to the discretion of the council of our said lord the King.

III.
Penalty for bringing summons or excommunication against any for enforcing the Statute of Provisors.

Also it is ordained and established that if any provision be made by our holy father the Pope to any person of religion or any other person whatsoever, to be exempt from obedience regular or from obedience ordinary, or to have any office perpetual within houses of religion or as much as one regular religious person or two or more have therein, if such

Statute of Provisors, 13 Ric. II. [c. 2 and 3] extended.

ou plusors ont en ycelles q̄ si tielx puisours desore enau^{nt} acceptent ou enioient ascune tielt puisioñ qils enco^gent les peins comprinses en lestatut des puisours fait lan f^zime le Roy Richard s^{de}.

Item¹ p^r eschuez plusours discensions discordes & debates & difses au^ts meschiefs v^zaisemblables a sourdier & auenir a cause des plusours puisions faites & affaires p lappostoilt & ausi a cause des licences s^r ceo g^untez p le Roi n^{re} so^ulain f^r ordonnez est & establiez q̄ null tielt licence ou p^{do}ñ ausi g^untez deu^{nt} ces heures ne a g^untier en temps auenir ne soit vailable a ascune bñice plein dascun encomment a io^r de le date de tielle licence ou p^{do}ñ g^untee.

Item² N^{re} dit f^r le Roy considerant coment en difses man^{es} la monoie de soñ roialme dengt est t^hez hors dycelt a la Court de Rome en eschaunge p puisors p^r puisions p^rchacer de lappostoilt & t^hnsalacions des Erceueschies & Eueschies a g^und enpo^uissement de soñ dit Roialme ad ordonnez & establiez p lassent suisdit q̄ tous les estatutz & ordonnances faites encontre puisours t^hnsalacions des Erceueschies & Eueschies lour executo^rs pcurato^rs Notairs fauto^rs mainteno^rs & recepto^rs s^{ib}n en le temps f^r E. nadgairs Roy dengt & en temps f^r Richard darrein Roy dengt come en temps n^{re} dit f^r le Roy qorest oue tous les peins & addicions a ycelx soient desore enau^{nt} ferme^{nt} tenuz & gardez en toutz pointz, la moderacioñ des estatutz au^{nt}nditz a n^{re} dit f^r le Roy au^{nt} ces heures faite noñ obstant, et q̄ toutz les eleccions des toutz Erceueschies Eueschies Abbeis Priories deanees ou au^ts dignitees electines q̄conqes soient desore enau^{nt} frankes saunz estre en null man^{re} desturbez, p lappostoilt au^{nt}ndit ou p mande^{nt} de n^{re} dit f^r le Roy. Purveu toutfoitz q̄ n^{re} dit f^r le Roy eit ausi f^unche^{nt} sees lib^{tes} & p^{ro}gatif come ascune de ses nobles p^{ge}nito^rs ad eu deu^{nt} ces heures ou come luy

¹ *Statutes of the Realm*, II., 153.

² *Statutes of the Realm*, II., 161.

provisors from henceforth accept or enjoy any such provision, that they incur the penalties contained in the statute of Provisors made in the 13th year of King Richard the Second.

Also, to avoid many dissensions, discords, and debates and divers other mischiefs likely to arise and happen by reason of the many provisions made and to be made by the Pope, and also by reason of the licences thereupon granted by the King our sovereign lord, it is ordained and established that no such licence or pardon so granted hitherto or to be granted in time to come, be valid for any benefice, full of any incumbent, on the day of the date of the granting of such licence or pardon.

No licence or pardon shall be granted on provision to a full benefice.

Also, our said lord the King, considering how in divers manners the money of his realm of England is drawn out of the same to the court of Rome, in exchange by provisors for purchasing provisions from the Pope, and translations of archbishoprics and bishoprics, to the great impoverishment of his said realm, has ordained and established, with the assent aforesaid, that all the statutes and ordinances made against provisors, translations of archbishoprics and bishoprics, their executors, proctors, notaries, favourers, maintainers, and receivers, as well in the time of the lord Edward, lately King of England, and in the time of the lord Richard, last King of England, as in the time of our said lord the King that now is, with all the penalties and additions thereto, henceforth for the future be strictly kept and observed in all points, the moderation of the statutes aforesaid heretofore made to our said lord the King notwithstanding; and that all the elections to all the archbishoprics, bishoprics, abbeys, priories, deaneries, or other dignities elective whatsoever be henceforth for the future free, without being in any manner disturbed by the Pope aforesaid, or by command of our said lord the King. Provided always that our said lord the King have his liberty and prerogative as freely as any of his noble progenitors has had hitherto,

Statutes against Provisors confirmed.

Elections to spiritual promotions shall be free,

mesmes ad eu a ceste temps de faisance dyceste estatut. Et
oultre ces mesme ñre fr le Roy ad pdone & pdone a tous yceux
qount p'chacez puisions ou t'nslacions des Erceueschies ou
Eueschies p'chacez & executz ou nient executz deu^{ant} ycest
primer iour de Decembr̃ & tous leurs pcuratours notairs fauto's
& executo's tous manes des t'pases contempts forfaitures &
mesprisions p eux ou ascune deux faitz ento' la dite p'chace
ensy qils purront enap's leur g^{ra}ce mettre en execucion s'ibn p
eux mesmes come p leurs pcuratours & executo's au^{ant}tditz.

Or as he himself has had at this time of making this statute. And saving the further our said lord the King has pardoned and pardons all those ^{King's} prerogative. who have purchased provisions or translations of archbishoprics or bishoprics, purchased and executed or not executed before this first ^{The King's} pardon to purchasers of provisions to dignities. day of December, and all their proctors, notaries, favourers, and executors, for all manners of transgressions, contempts, forfeitures, and misprisions, by them or any of them done, concerning the said purchase, so that they may hereafter put their grace in execution, as well by themselves as by their proctors and executors aforesaid.

1 HENRY V. A.D. 1413.

STATUTES OF A PARLIAMENT AT WESTMINSTER, CAP. VIII.¹

Irishmen and
Irish clerks
beggars to
depart out of
England.

Exceptions.

Irishmen
having benefices,
&c., in
Ireland to
dwell there.

Item, for quiet and peace within the realm of England, and for the increase and stocking of the land of Ireland, it is ordained in this present parliament that all Irishmen and Irish begging clerks, called chamber-deakyns, be sent out of the realm between the feast of St. Michael next to come and the feast of All Saints next following, on pain of losing their goods and being imprisoned at the will of the King; except those who are graduates in the schools, and serjeants and apprentices of the law, and those who have inherited in England, and religious persons professed; and except also merchants born in Ireland of good report, and their apprentices at present dwelling in England, and those whom the King will dispense. And that all those Irishmen who have benefices or offices in the land of Ireland, dwell on their benefices and offices, on pain of losing and forfeiting the profits of their benefices and offices, for the defence of the land of Ireland aforesaid.

4 HENRY V. A.D. 1416.

STATUTES OF A PARLIAMENT AT WESTMINSTER, CAP. VI.²

["An Act against spirituall men of mere Irishe Birth."—Carew MS., No. 617, p. 197].

Recital of Irish
Statute against
Irishmen being
prelates &c., in
Ireland.

Item, whereas it was ordained in the time of the progenitors of our lord the King by statute made in the land of Ireland, that none of the Irish nation should be chosen by election as archbishop, bishop, abbot, prior, or in any manner received or accepted to any dignity or benefice within the said land; and although several such Irishmen, by force of

¹ The text taken from Statute Roll (Engl.) III. m. 8, is printed in *Statutes of the Realm*, II., p. 173.

² The text taken from Statute Roll (Engl.) III. m. 8, is printed in *Statutes of the Realm*, II., 197.

certain letters of licence to them made by the King's lieutenants there, to accept and receive such dignities and benefices, be promoted and advanced to archbishoprics and bishoprics within the said land, the which make also their collations to Irish clerks of the dignities and benefices there, contrary to the form and effect of the said statute. And whereas they are called peers of Parliament in the said land, they bring with them to the Parliaments and Councils held there, Irish servants, whereby the secrets of the English in the said land have been and are daily discovered to the Irish people, rebels to the King, to the great peril and mischief of the loyal lieges of the King in the said land; our said lord the King, desiring to provide remedy for the same, for the security of his loyal subjects, with the assent of the lords aforesaid, and at the request of the said Commons, wills and grants, that the said statute ^{Same confirmed.} stand in its entire force, and that it be well and duly kept, and fully executed, on his grievous indignation. And moreover, he has ordained

and established, by the assent and request aforesaid, that if any such ^{Native Irish not to be presented to benefices, or brought as servants to parliament.} archbishops, bishops, abbots, or priors of the Irish nation, rebels to the King, make henceforward or have aforesaid made, collations or presentations to benefices of Holy Church in the said land of Ireland, contrary to the form of the said statute, or bring with them, among the English there, to Parliaments, Councils, or other assemblies within the said land, any Irish, rebels to the King, to become acquainted with the secrets and state of the said English, and to discover them to the rebels, that then straightway, from time to time, all their temporalities be seized into the King's hands, to remain in the same, until they have made sufficient fines to the King in that behalf. And also that all the lieutenants of the King and of his heirs in the said land of Ireland ^{Licences to the contrary forbidden.} be altogether forbidden and restrained from having henceforth any manner of power to give or grant any such licences or pardons in this case, to Irish parsons, not English. And that all such licences, not executed, made and granted by the King's lieutenants in the said land heretofore, and also to be granted by them hereafter, be void and of no force or value.

9 HENRY V. A.D. 1421.

[PATENT ROLL, 9 HENRY V., ARTICLE No. 109 d.]

Nunciatus
cōis t^{re}
Hibernie
dominonostro
Regi in Angl^a
misi.

NOSTRE l's excellent & l's soley n f^r liege Ceux sont lez
poyntes & lez articles des queux vos poſez humbles
lieges de v^{re} l^{re} dirland deu^{nt} v^{re} l's hūnble Cousyne James le
Botiler Count de Ormond vostre lieuten^{nt} de mesme v^{re} l^{re} &
aules f^{res} es spirituelles & temporeles et voz Cōes en v^{re} parle-
ment darreynement tenuz a v^{re} Citee dynelyne ount faitz
soy greuousement compleynantz et pur gracieuse remedie ent
solunc v^{re} l's sage & l's benigne grace au p^r les quelles articles
declarer a v^{re} hautesse de lassent des dōes f^{res} & de vos dites
Cōes illeosqes assemblez fueront eslieuz v^{re} humble oratour &
Chapleyn John Ercheuesq, darmagh prymat dyrland & v^{re}
foial liege Cristofre de Prestoñ Chiualler messagers pur
approcher a v^{re} l's hautisme roiale mageste pur la cause au^{nt}
dōes les quelles articles ensuent.

En prymes l'ssoūayn f^r liege monstront a v^{re} l's hautisme
roiale mageste vos ditz poſez liegez de v^{re} dit l^{re} q̄ come
mesme v^{re} l^{re} pur la greindre partie est degaste & destrue p
les irrois enemyes & engleis rebelles sibien p lour continuelles
guerres sur vos dites liegez en chescun Counte de v^{re} dit l^{re}
come p diſsez extorsioñs & opp^{ss}ioñs nounpaiementz & lez
malueises Coignes p plusours lieuten^{ntz} & lour deputez et lez
g^{undez} psones & naçons de mesme v^{re} l^{re} sur vos ditz lieges
continuelment faitz & vses et pur defaute de due execuçōne de
vos leis pount v^{re} dit l^{re} est descendue si g^{undement} en
declyne issint q̄ mesme v^{re} l^{re} iames ne s^{ra} releue ne vos dōes
enemyes & rebelles chastisez saunz v^{re} l's soūayne & l's gracieuse
p^{ss}ence deyns v^{re} dit l^{re} a ceo q̄ semble a vos ditz poſez lieges
mais mesme v^{re} l^{re} & vos lieges en ycelle deyns brief temps
s^{ront} q̄ dieu defende tout entrement pduz & destruez p^r toutz
iours.

9 HENRY V. A.D. 1421.

OUR most excellent and most sovereign liege lord, the following are the points and the articles which your poor humble lieges of your land of Ireland, grievously complaining thereof, have made before your most honourable cousin James le Botiler, Earl of Ormond, your lieutenant of your said land, and other lords spiritual and temporal and your commons in your parliament lately held at your city of Dublin; and for having gracious remedy thereof, according to your most wise and most benign grace, for declaring the which articles to your highness there were chosen, with the assent of the said lords and of your said commons assembled there, your humble orator and chaplain John, Archbishop of Armagh, primate of Ireland, and your faithful liege Christopher de Preston, knight, as envoys to approach your most high royal majesty for the aforesaid reason. The articles are as follows—

I. Firstly, most sovereign liege lord, your said poor lieges of your said land show to your most high royal majesty that whereas your said land is for the greater part devastated and destroyed by the Irish enemies and English rebels, alike by their unceasing wars on your said lieges in every county of your said land, as by divers extortions and oppressions, non-payments, and the hateful coignes unceasingly levied and practised on your said lieges by several lieutenants and their deputies, and by the great men and families of your said land, as also from want of due execution of your laws, whereby your said land has fallen so greatly into decline that your said land will never have relief, nor your said enemies and rebels receive punishment without your most sovereign and most gracious presence within your said land, and so it seems to your said poor lieges that your said land and your lieges therein will—(which God forbid!)—within a short time be quite utterly ruined and destroyed for ever.

A declaration
of the
community
of the land
of Ireland to
our lord the
King sent
into England.

Owing to war
and dissen-
sions, the
king's
presence
necessary in
Ireland.

Item prient vos ditz poëlez lieges q̄ come plusours foitz deu^{nt} cestes heures lez lieuten^{ntz} nadegairs de v̄re dit l̄re & leur deuteez illeosqes qount heuz de v̄re graunt de reuenuës & p̄fitez de mesme v̄ro l̄re a leur p̄prez oeps ount faitz diūses extorsions opp̄ssions damages & greuances a vos ditez lieges p force & colour de leur poair issint q̄ poi ou rien en fuist expenduz sur les guerres de v̄re dit l̄re, sur quoy please a v̄re roiale mageste en aide & confort de vos dites lieges & en saluacone de v̄re dit l̄re de garder & reten^r lez ditz reuenuz en vos f̄s gracieusez mayns Consideraunt tssouayn f^r q̄ie v̄re dit l̄re est g^{ndement} ease depuys q̄ lez au^{ntditz} reuenuz deuiendront a voz f̄s gracieusez mayns suisdites.

Item prient vos ditz lieges q̄ v̄re monee desoulz v̄re cunage p^{ra} estre fait solunc v̄re l̄ssage & f̄s gracieuse discrecione deins v̄re dit l̄re a v̄re dit Citee cestassau de deux deūz un deūz mail̄ & quadrant & pluys ail semble a v̄re l̄ssage discrecione en mesme le mail̄ come est fait deins v̄re roialme dengleſre oue toutz mail̄ez Officers & Myns^{es} en cest cas busoignables pur f̄s g^{nde} p̄fite & releuement de v̄re dit l̄re & vos ditez lieges.

Item monstrent a v̄re dit f̄s hautisme roiale mageste vos ditz lieges q̄ come al pryſi venue de v̄re f̄s noble p̄deceſſour le Roy Richard le ſcde al dit l̄re plusours greyndrez Chieftayns dirroises naçons cestassauoir M^oMorgho Oneel Obreene de Tomond Oconoghour de [Conaght]¹ & autres diūses irrois soy humblement submysteront oue leur frank volunte demesne & deviendront lieges hōmes a luy & ses heirs Royes dengleſre p^r eaux leur enfauntz naciones & gentz p^r toutz iours et a celle temps fieront leur homage liege et auxint p^r la greindre seurte obligeront de boñ voloir p plusours Instrumentz en diūsez sommes appairs al ñre l̄ssentisme pier le Pape & a ses successours p^r fermement garder leur dit liegeaunces lez queux Instrumentz dem^{ent} en v̄re tresurie dengleſre sicome vos

¹ Obliterated.

II. Also, your said poor lieges pray that whereas on several occasions before the present time, the former lieutenants of your said land and their deputies there, who have had of your grant, revenues and profits from your said land to their own use, have committed divers extortions, oppressions, damages and grievances on your said lieges by force and pretence of their power, so that little or nothing was spent on the wars in your said land ; wherefore may it please your royal majesty, in aid and comfort of your said poor lieges and for the safety of your said land, to keep and retain the said revenues in your most gracious hands, considering, most sovereign lord, that your said land would be greatly relieved when the aforesaid revenues should come to your aforesaid most gracious hands.

Revenue of
the land to be
retained for
public
purposes.

III. Also, your said lieges pray that your money under your coinage may be coined according to your most wise and most gracious discretion within your said land at your said city, that is to say, two-penny pieces, the penny, halfpenny and farthing, and more if it seem good to your most wise discretion, in the same manner as is done within your kingdom of England, with all manner of officers and servants as are necessary in this work, to the very great profit and relief of your said land and your said subjects.

Money to be
coined in
Ireland as in
England.

IV. Also, your said lieges show to your said most high royal majesty that whereas at the first coming to the said land of your most noble predecessor, King Richard the Second, several great chieftains of Irish families, that is to say, McMorogho, O'Neel, O'Brien of Thomond, O'Conoghor of [Connaught], and divers other Irish, humbly submitted of their own free will, and became liege men to him and his heirs, kings of England, for themselves, their children, families and people for ever, and at that time they did their liege homage, and also for greater security they voluntarily, by several instruments, bound themselves in divers sums, to be paid to our most holy father the Pope and his successors, to keep firmly their said allegiance, which instruments remain in your treasury

The Pope's
sanction to a
crusade
against the
Irish enemies
to be sought.

ditez lieges supposent. Et depuys celle temps tanqe encea les dces psonns ount devenuz dislieges & rebeux & degastont & destruont vos dces lieges encontre la fourme suysdce; pount priont vos ditz lieges si plesir soit a v're l's noble & l's gracieuse f'ie p' acerteyn & escrier a n're dit l'ssentisme pier le Pape p vos l's gracieusez h'es toutz les mafies & choses suisdites oue lour circumstances qconques pur vne croysorie sur ceo au sur les ditz irrois enemyes en relement & saluacion de mesme v're l're & vos ditz lieges en ycelle et en ppetuelle destrucion de dces enemyes oue layde de dieu.

Item l'ssoūayn f'r liege vos dces lieges soy greuousement compleynont p' ceo qen v're plement tenuz a v're dit Cite en la xv^m de seint hiller deu^{nt} John Talbot de Halomshire Chiualer adonques v're lieuten^{nt} de v're dit l're lan de v're regne quarte estoit eslieuz v're Orato^r & Chapleyn Thomas Cranley adonques Erceuesq de dyuelyn q dieu assoille messenger p' approcher a v're l's hautisme mageste p' declarer lestete & la gouñance de v're l're au^{nt}dit et surceo le message estoit engrosse & fait p cteins engrossours a ceo assignez p autorite del dit plement et quant le message fuist ensy engrosse les au^{nt}dcas Engrossours prieront & requysteront mon^{fr} laurence Merbury v're Chaunceller de v're dit l're p' met^r al dit message v're graund seall de v're dit l're en sa garde esteant, le quel Chaunceller ceo faire ne voilloit mays v're dit seale denya a l's graunde anientisement de v're dit l're sicome pluis au pleyn purra apparoir p vn Instrument ont fait le quel plesir soit a v're l's puissante f'ie doier & veer; pount priont lez dces vos liegez p' taunt q v're dit Chaunceller est ouesq vous en Englefre p v're cōmandement q vous please de luy faire venire deu^{nt} vous a v're volunte pur declarer la cause p' quele il ne voilloit mettre v're dit seale al dit message et sur ceo faire & ordeyn remedy q myelz semblera a v're tres gracieuse f'ie.

of England, as your said lieges suppose. And since that time, as formerly, the said persons have become disloyal and rebellious, and waste and destroy your said lieges, contrary to the form aforesaid ; therefore, if it please your most noble and ~~most~~ gracious lordship, your said lieges pray you to inform and complain to our said most holy father the Pope, by your most gracious letters, about all the aforesaid matters and things, with each of their circumstances, with a view to having a crusade on that account against the said Irish enemies, for the relief and safety of your said land, and your said lieges therein, and with God's help, to the perpetual overthrow of the said enemies.

V. Also, most sovereign liege lord, your said lieges make grievous complaint, because that in your parliament held at your said city in the quinzaine of St. Hilary, before John Talbot of Hallamshire, knight, then your lieutenant of your said land, in the fourth year of your reign, there was chosen your orator and chaplain Thomas Cranley, then Archbishop of Dublin (whom God assoil) as messenger to approach your most high majesty, to declare the state and the government of your aforesaid land, and thereupon the message was engrossed and made out by certain engrossers appointed thereto by authority of the said parliament, and when the message was so engrossed, the aforesaid engrossers prayed and requested sir Laurence Merbury, your Chancellor of your said land, to affix to the said message your great seal of your said land, being in his keeping ; the which Chancellor would not do so, but withheld your said seal, to the very great detriment of your said land, as may more fully appear by an instrument drawn up thereon, which may it please your most puissant lordship to hear and inspect : wherefore your said lieges pray that, since your said Chancellor is, by your command, with you in England, you be pleased to cause him to come before you at your will, to declare the reason why he would not affix your said seal to the said message, and thereon to make and ordain the remedy that shall seem best to your most gracious lordship.

Complaint
as to
Lau. Merbury,
chancellor,
having re-
fused to affix
the great seal
to a message
for the king.

Item supplient vos dces lieges q̄ come eux sount charger de diūsez intollerables charges & guerres de iour en autre issint q̄ lez l're ten^{ntz} artificers & labourers del dit l're de ioure en autre senalent hors de mesme v're l're en g^{ande} nombre en v're roialme denglel're & la dem^{ent} pount la gaignage de mesme v're l're est g^{undement} anientise nonhabite et vos ditez liegez g^{undement} enfeblez p^r resister la malice de vos ditez ennemyes pount please a v're dce hautesse considerer la matier suisdee & ent ordeyfi couenable remedye.

Item monstront vos ditz lieges a v're dit hautesse q̄ come pryment ap̄s v're Coronacione mon^{fr} John de Stanley q̄ dieu assoille estoit lieuten^{nt} de v're dit l're a quele temps & auxi en temps de n're l's souayne f^r le Roy v're pier et de v're p̄decessour le Roy Rychard suisdee riens ou poy il paya a mesmez vos lieges mais diūses extorsions & opp̄ssions fist de temps en temps encountre la fo^{rme} de vos loyes en g^{unt} anientisement de v're dit l're ; p̄ q̄ please a v're l's gracieuse f^r de compeller lez heirs & executours del dit John Stanley q̄ieux p̄ biens de v're dit l're g^{undement} sount enriches & enhansez de veñ en cest l're de faire paiement dez dettez del dit John Stanley & p^r amender lez defautes pdeu^{nt} p̄ le dit John Stanley faitez come myelz semblera a v're dit hautesse.

Item monstront vos ditz liegez q̄ come ap̄s la morte du dit mon^{fr} John de Stanley estoit eslieu p̄ v're conseil p̄dece le reñent [piere en dieu]¹ v're foiale liege Thomas Erceuesq̄ de dyuelyn q̄ dieu assoille en v're Justice de v're dce l're le quele luy goūna enūs vous n're l's redoute f^r & vos ditez lieges benignement & honestement en faisant reisonable paiement as ditz lieges sanz ascunez extorsions ou opp̄ssions a ceux faitz de la quele goūnⁿce vos ditz lieges furent g^{undement}

¹ Illegible.

VI. Also, your said lieges pray, that whereas they are from day to day burdened with divers intolerable charges and wars, so that the ter-tenants, the artificers and labourers of the said land daily depart in great numbers from your said land to your kingdom of England and remain there, whereby the husbandry of your said land is greatly injured and disused, and your said lieges greatly weakened in their power of resisting the malice of your said enemies ; may it therefore please your said highness to consider the above-mentioned matter and ordain suitable remedy thereof.

VII. Also, your said lieges show to your said highness that whereas at first, after your coronation, sir John de Stanley (whom God assoil) was lieutenant of your said land, at which time as also in the time of our most sovereign lord the King, your father, and of your predecessor, King Richard aforesaid, he paid little or nothing to your said lieges, but committed divers extortions and oppressions from time to time, contrary to the form of your laws, to the great detriment of your said land ; Wherefore may it please your most gracious lordship to compel the heirs and executors of the said John Stanley, who are greatly enriched and aggrandised by the goods of your said land, to come into this land to make payment of the debts of the said John Stanley, and to make good the losses formerly caused by the said John Stanley, as shall seem best to your said highness.

Request for
remedy
against heavy
charges.

The heirs of
John de
Stanley, late
lieutenant, to
be compelled
to pay his
debts, &c.

VIII. Also, your said lieges show that whereas after the death of the said sir John de Stanley, there was chosen by your Council here the reverend [father in God] your faithful liege Thomas, Archbishop of Dublin, (whom God assoil !) as your Justiciar of your said land, which he governed alike in regard to you, our most dread lord, and to your said lieges, with clemency and honesty, making reasonable payment to the said lieges, without any extortions or oppressions being done to them : with which administration your said lieges were greatly pleased and very well satisfied, and

The mode of
government
of Thomas,
archbishop of
Dublin,
Justiciar, a
good example
to be followed.

pleasez & l'sbien contentz, et ils signifient a v're d'ce hautesse
alentent q̄ de tiele bon gou'naunce ceux q'auont la gou'naunce
de v're d'ce l're en temps aueñ deussent bone esample p'ndre.

Item pleignent vos ditz lieges q̄ come en temps q̄ monf
John Talbot chinaler [estoit]¹ lieuten'nt de v're dit l're fis:
plusoures greindres & excessiues extorsioñs opp'essioñs s'ibn sur
gentz de religieuses & autres de seynt esglise come s' vos ditz
lieges queux ne furent faitz en noz iours et lour b'ns et cateux
pristz sanz ent & eux poy ou rien paier p̄ q̄ vos ditez lieges en
cele ptie sont l's g'undement anientisez & enpoñez pont please
a v're hautesse considerer le matier suisd'ce & cōmander le dit
monf'r John eu la meillieure fourme come myelz semblara a
v're Royale Mageste p' enuoier lez deputes atto'nees & offici's en
v're l're suisd'ce pur faire amendes de sez extorsioñs & opp'essioñs
suisd'ces & due paiement faire a vos ditz lieges en g'ande soco'
aide & rel[enam]²ent de poñe estate de vos ditz lieges.

Item monstrent a v're l's roiale mageste vos ditez lieges q̄
come en temps de vos l's nobles pgenito'ies & p'decessours
cestass' E. le tierce Richard s'cde iadys Roys dengle l're c'teyns
Cōmissioñs gentz foiaux vaillauntz psones & ables p̄ eux furent
enuoies p̄ lour comandementz en v're l're suisd'ce pur enquerer
de toutz lour lieuten'ntz Justicez & Gardeyns queux pur le
temps furent et de lour gou'nançe extorsioñs & opp'essioñs
noñpaiementz & aueñ damages as lieges cele partie faitz et lez
a vos ditz pgenito'ies & p'decessours de temps en temps auerter a
quele temps v're dit l're estoit en pluys meillour estate & p'p'ite
q̄ nest a ore. Et n're l'shaut f'r liege ascuns tielx Cōmissioñs
depuys v're Coronaçone ne viendrent p' enquerer en lau'ntd'ce
v're l're come desuys est dit; pount please a v're dit mageste
considerer la matier suisd'ce & denuoier c'tayns loyaux & foyaux

¹ Illegible.² Indistinct.

they acquaint your said highness, to the end that those who have the governance of your said land in time to come should take a good example from such good rule.

IX. Also, your said lieges complain that whereas in the time when Sir John Talbot, knight, [was] lieutenant of your said land, he committed several great and monstrous extortions and oppressions, as well against the religious orders and others of Holy Church, as against your said lieges, such as were never done in our time, and took their goods and chattels, paying them little or nothing therefor, by which your said lieges in that part have been very greatly injured and impoverished. Wherefore, may it please your highness to consider the said matter and command the said Sir John, in the best way that seems good to your royal majesty, to send deputies, attorneys and officers into your aforesaid land, to make amends for his extortions and oppressions above-mentioned, and make due payment to your said lieges, to the great succour, aid and [relief] of the poor estate of your said lieges.

Sir John Talbot, lieutenant, and his officers, to make amends for extortions, &c.

X. Also, your said lieges show to your most royal majesty, that whereas in the time of your most noble progenitors and predecessors, that is to say, Edward the Third and Richard the Second, formerly Kings of England, certain commissioners, faithful men, persons of might and ability, were sent by them by their command into your aforesaid land, to enquire of all their lieutenants, justices and guardians, for the time being, both regarding their administration, extortions and oppressions, nonpayments and other damages done to the lieges of that part, and report them to your said progenitors and predecessors from time to time: at which time your said land was in much better condition and more prosperous than it now is. And, our most high liege lord, no such commissioners have come, since your coronation, to your aforesaid land, to enquire, as is above said. Wherefore, may it please your said majesty, to consider the aforesaid matter, and send certain loyal and faithful men of your realm into your said land,

Commissioners to be appointed, to enquire into the conduct of lieutenants, officers, &c.

gentz de v're Royalme en v're d'ce l're denquerer p' Cōmissiō de toutz vos lieuten^{ant}z offici^{ers} & autres vos ministres de v're dit l're qiconq's et toutz leur ministres & offici^{ers} et de leur goūnance extorsions opp^{ressi}ons excesses nounpaiementz p^{ar}deuz damagez faux emprisonementz & de toutz autres ma^lis greuauncez p' eux ou ascuny de eux puy^s v're dit Coronacione tanq' encea faitz ou ppetres et ent etifier a v're dite hautesse p' a^u couenable remedye a vos ditz lieges g^{ra}nde p^{ro}fit & consolacione pur toutz iours.

Item monstrent vos ditz lieges q' come en v're dit parlement tenuz deu^{ant} v're dit lieuten^{ant} q'orest mesme v're lieuten^{ant} estoit requise p' vos ditz lieges pur garder vos leyes & de rebutter toutz ma^lis extorsions & opp^{ressi}ons & due paiement faire a vos ditz lieges a q' v're dit lieuten^{ant} disoit qil oue laide de dieu vorroit p' l's tout sa poair vos d'ces leyes garder & due paiement faire, et outre sil nauoit de vous l's redoute f^r dount il p^{ou}ra paier a vos ditz lieges il p^{ro}myst a mesme le temps en mesme v're plement deu^{ant} toutz estalez dicell q' al fyne de soⁿ l^{ie}me il vorroit assigner toutz les rentz de t^{er}reyns sez l^{ie}res de soⁿ meillour vyuer p^{ar}decea saunz rientz deuz p^{ro}ndre tanqe due paiement s^{er}ait fait a vos ditz lieges dount mesmes vos lieges g^{ra}undement esmercierent vostre dit lieuten^{ant}, et auxint de ceo q' le dit v're lieuten^{ant} ad ouste vn maluois l^{ie}shaynouse & importable custume appelle Coigne le quele de l's longe temps estoit vse deins v're dit l're sur vos lieges a l's haute anientisement deuz ; es queux affairs il soy ad bien porte tanq' encea et myelz vorroit a^u fait sil eust suffisiente de refreshement de v're l's graciouse aide come a eux semble, pount supplient vos ditz lieges q' please a v're l'ssoūayne f^rie si pleisir soit a ycell de ent esfici^{er} v're dit lieuten^{ant} & lui refresher al humble request de vos lieges suisditz et charger de cella continuer.

to enquire by commission concerning all your lieutenants, officers and other your servants, whomsoever, of your said land, and all their servants and officers, and their administration, extortions, oppressions, excesses, nonpayments, losses, damages, false imprisonments, and all other kinds of grievances done or caused by them or any of them since your said coronation, as of old, and make a return thereof to your said highness, with a view to having suitable remedy, to the great profit and comfort of your said lieges for all time.

XI. Also, your said lieges show that whereas in your said parliament, held before your said lieutenant that now is, your said lieutenant was requested by your said lieges to guard your laws and oppose all kinds of extortion and oppression, and make due payment to your said lieges: to which your said lieutenant answered that with the help of God he would, with all his power, guard your said laws and make due payment, and further, if he had not from you, most dread lord, [any funds] from which he might pay your said lieges, he promised at the same time in your same parliament before all the estates thereof, that at the end of his term he would assign all the rents of certain his lands, of his best living, for this, without taking anything from them until due payment should be made to your said lieges: for which your said lieges greatly thanked your said lieutenant, as also because your said lieutenant abolished a bad, most heinous and unbearable custom, called coigne, which for a very long time was practised within your said land on your lieges, to their deepest hurt; in which matters he has borne himself well as ever, and as seems to them, would have done better if he had had sufficient encouragement in your most gracious help. Wherefore your said lieges pray that it may please your most sovereign lordship, if it be your will therein, to thank your said lieutenant and encourage him, at the humble request of your above-mentioned lieges, and charge him to continue that policy.

Request for
aid and
support to the
present lieu-
tenant, who
abolished
coigne, &c.

Item monstrent voz ditz lieges q̄ come diſſes psonnes nient apprise descripture ne de frature ount ſtayns offices en v̄re Eschequer de v̄re dit fre & les occupiont p lour deputeez. Et outre siſn Clercz come aufes ount & occupiont dieux officez ou treis en mesine v̄re Eschequer pount pluyſ greindres excessyues fees sount prises de vos ditz lieges & aufſ extorsions a eux faitz p̄ les ḡundes fermes qils paient a lour moistres et les ditz offices nient si duement gardez & ſuicez come estre soiloient & deussent; pont priont vos ditez lieges q̄ please a v̄re l̄shaute discrecion considerantz lauⁿtdce matier ent couenable remedy ordeyſ.

Item monstrent vos ditz lieges q̄ come eux sount rieules & goſnes p vos leyes vses en v̄re roialme dengleſre pur queux leies app̄ndre & en ycelt estre enfo^rmez voz ditz lieges ount enuoies gentz hables de bone & gentiele naçone vos engleysez lieges neez de v̄re dit fre a ſteyngs hostellz de Courte lez queux ount estez receux illeosqes en temps del conquest de v̄re dit fre tanqe ore tarde q̄ lez Goſnours & Compayny dez ditz hostiells ne vorront mye receyſ les ditz gentz en les ditz hostiells come ils soloient estre pount please a v̄re l̄sgracieuſe f̄rie cella considerer & ent ordeyſ due remedie q̄ vos leies soient contynuz & nient oblies en v̄re dit fre.

Item pleynont vos ditz lieges q̄ come les Chastellayns Escocoz & autres vos enemyes de diſſez pties de longe temps passes ount gardes le mere entre v̄re Roialme dengleſre et v̄re dit fre et vos foiaux lieges & marchaundes sount derobbez emprisones & raunceonez & souent foith tuez a l̄s ḡunde anientisement de toutz vos lieges & marchauntz. Sur q̄ please a v̄re l̄shautesse considerer lauⁿtdce matier & q̄ v̄re dit fre ne poet estre saunz m̄chaundises sustenu & sur ceo de v̄re l̄s benigne grace couenable remedy ordeyſ.

XII. Also, your said lieges show that whereas divers persons, not learned in writing or in letters, hold certain offices in your Exchequer of your said land, and fill them by their deputies. And further, clerks as well as others hold and fill two or three offices in your said Exchequer, whereby very excessive fees are taken from your said lieges, and other extortions are committed on them, owing to the great farms that they pay to their masters, and the said offices are not so duly kept and served as they used to be and should be. Wherefore your said lieges pray that it may please your most high discretion, on consideration of the aforesaid matter, to ordain suitable remedy thereof.

XIII. Also, your said lieges show that whereas they are ruled and governed by your laws used in your realm of England, to learn which laws and be informed therein, your said lieges have sent to certain inns of court able men of good and gentle family, your English subjects born in your said land, who have been received there from the time of the conquest of your said land until now lately, when the governors and companies of the said inns would not receive the said persons in the said inns, as they used. Wherefore may it please your most gracious lordship to consider this and ordain due remedy thereof, that your laws may be perpetuated and not forgotten in your said land.

XIV. Also, your said lieges complain that whereas the Castilians, Scots, and other your enemies of divers parts, have for a long time past kept the sea between your kingdom of England and your said land, and your faithful lieges and merchants are robbed, imprisoned, and held to ransom, and oftentimes killed, to the very great destruction of all your lieges and merchants. Wherefore may it please your highness to consider the aforesaid matter, as well as that your said land cannot be supported without merchandise, and of your most benign grace to ordain suitable remedy in that matter.

Extortions
through
illiterate men
performing
office in the
Exchequer
by deputy.

English lieges
born in Ire-
land no longer
received in
inns of court.

Castilian and
Scotch
enemies hold
the sea
between
England and
Ireland:
merchants
robbed, &c.

Item monstrent vos ditz lieges q̄ come p vn estatut fait en Engleſſe ordeigne estoit q̄ chescune Eschetour deins chescun Counte de v̄re dit roialme deust auſſi ſufficiente des f̄res rentz & teñtz deins mesme le counte p̄ resppondre p̄ loure defauter siſn au Roy come al partie. Et ceo nient obſtant v̄re Eschetour de v̄re dit f̄re dem̄ant en Engleſſe qoreſt & autres diſſez Eschetours deūnt luy ount faitz diſſez deuteez en diſſes Countees deins v̄re dit f̄re nient ſufficientz ne nult poſſeſſiõs eiantz ſolonc la fōme du dit Estatut les queux ont faitz & fount ḡandes damages & opp̄ſſions a vos ditz lieges p cause dex graundes fermes qils portent a lour meistres en grande damage & arrerisement siſn a vous come a vos ditz lieges, pount please a v̄re dit mageſtie lauantd̄ce matier conſiderer & ordeign̄ q̄ v̄re Eschetour qoreſt de v̄re dit f̄re ne nult autre Eschetour desormes face nult deputes deins la dit f̄re ſinoñ qil eit ſufficiente des f̄res & teñtz deyns mesme le Countee ou il s̄ra depute come le dit Estatut fait mencione.

Item monstrent vos ditz lieges q̄ come le f̄s noble Roy E. tierce v̄re beſaiel iadis Roy dengleſſe q̄ dieu assoille pentre autres pdona & relessa geñalment a toutz ses lieges dengleſſe Irland & Gyan et toutz sez autres lieges p̄ les almes de ses f̄s reſſentz piere & mere et pur les almes de toutz ses f̄snobles p̄genitōs toutz mañs dettes & accomptes a luy ou ses p̄genitours duez sicome p ses f̄res paten[ts]¹ ent faitz en sez Escheqers dengleſſe & dirland enrollez pluys pleynement appiert la quele f̄s gracieuse pdone estoit f̄s ḡande releue & amendement de tout la dit f̄re. Et puy de v̄re f̄s abondante grace aſſ̄ v̄re Coronaçone pdonastes deyns ðteyn temps lymyte a toutz vos lieges queux vorroient p̄suer a v̄re f̄s gracieuse f̄rie toutz mañs dettes accomptes & autres diſſes articles sicome appiert p vos ḡaciouse f̄res patentz a diſſez de vos lieges ent faitz et vos

¹Torn.

XV. Also, your said lieges show that whereas by a statute made in England, it was ordained that each escheator in every county of your said realm ought to have sufficient lands, rents, and tenements within the same county, to answer for their defaults as well to the King as to the party. And, notwithstanding this, your escheator of your said land that now is, dwelling in England, and divers other escheators before him have appointed divers deputies in divers counties within your said land, who have neither sufficient nor indeed any possessions, according to the form of the said statute; who have committed and do commit great damages and oppressions on your said lieges, by reason of the great farms they bring to their masters, to the great damage and loss alike of you as of your said lieges. Wherefore, may it please your said majesty, to consider the aforesaid matter, and ordain that your escheator, that now is, of your said land, and any other escheator in the future, shall not appoint any deputy within the said land unless he have sufficient lands and tenements within the same county wherein he shall be deputy, as the said statute makes mention.

XVI. Also, your said lieges show that whereas the most noble King Edward the Third, your great grandfather, formerly King of England (whom God assoil!), amongst other things, pardoned and released generally to all his lieges of England, Ireland, and Guienne, and all his other lieges, for the souls of his most honoured father and mother, and for the souls of all his most noble progenitors, all kinds of debts and accounts due to himself or his progenitors, as by his letters patent made thereon, enrolled in his Exchequers of England and Ireland, more fully appears, which most gracious pardon was a great relief and benefit to all the said land. And later, after your coronation, of your most abundant grace, you pardoned, within a term limited, to all your lieges who wished to make suit to your most gracious lordship, all manner of debts, accounts, and divers other articles, as appears by your gracious letters patent made thereof to divers of your lieges.

ditz lieges de v're dit f're nient sachantz p'r la greindre partie de v're dit pdone si g'e'alment g'unte & auxint du temps iesques cell gracieuse pdone deust durer riens p'r'sueront al fountayne de v're f's g'unde grace; pount please a v're f'shaute mageste dencllyner lez orraill de v're habundante pite a vos ditz lieges considerantz lo'r poi' estate & importable charge & a eux p'r lez almez de vos f'anobles pier & mere & de toutz vos autres p'genito's & p'decessours queux dieux assoille g'unter tiele pdoñ a ditz lieges come mielz semble a v're f'ssage discrecione en ppetuele rememorie de v're f'spuissante & f's gracieuse f'ie.

Item monstrent les au'ntditz lieges a v're f'shautisme mageste q̄ come en le plement le Roy R. nadgairs Roy denglefre le s'cde puy's le conquest lan de soñ regne tierce tenuz ordeygne estoit & accord est q̄ toutz gentz de q̄conq̄ estate ou condicōne qils estoient f'res rentz bnficez & autres possession's q̄conqes deins la f're dirland eiantz eu's la dit f're soy traiherent deu'nt le fest de Natyuyte de saint John le Baptystre adonqes psheyn ven'nt & desore en eide & fortificacone de ses foialz lieges illeosqes dem'eront & researent p'r la dite f're encountre lez rebeuxes & Irrois garder & defender. Et q̄ toutz ceux queux chastell & forcelletez deins la dit f're adonqes a'doient ils en competent state facent repairer & sustiner & illeosqes bone et suere garde p'r la saluacione dicell' Chastell & forcelletez sur le pill qapent poneront et en cas q̄ ascune de eux queux ount f'res offices rentez bnficez ou autres possession's en la dit f're & hors dycelle f're a'ps le dit fest p'r cause resonable estoit absente donqes p'r le temps dabsentee hōmes defensables en defense du dit f're solonc ceō q̄ necessite demande en lour lieu mysterent & trouerent eiant regarde al quantite & le value dez f'res rentz offices & au'f's possession's suisdites et qil q̄ ceo ne ferroit adonqes les deux parties dez p'fites des f'res rentez officz &

And your said lieges of your said land, knowing, for the most part, nothing of your said pardon so generally granted, and also of the time during which that gracious pardon should last, made no suit at the fountain of your abundant grace. Wherefore, may it please your most high majesty to incline the ears of your abundant pity to your said lieges, having regard to their poor condition, and unbearable burden, and further to grant them, your said lieges, for the souls of your most noble father and mother, and of all your other progenitors and predecessors (whom God assoil), such pardon as seems best to your most wise discretion, as a perpetual remembrance of your most mighty and most gracious lordship.

XVII. Also, the aforesaid lieges show to your most high majesty that whereas in the Parliament held in the third year of King Richard, the Second since the conquest, late King of England, it was ordained and agreed that all persons of whatsoever estate or condition they were, having lands, rents, benefices and other possessions whatsoever within the realm of Ireland, should betake themselves to the said land before the feast of the Nativity of Saint John the Baptist then next to come, and thenceforward should remain and reside there in aid and strengthening of his faithful lieges, to guard and defend the said land against the rebels and the Irish. Further, that all those who then had castles and fortalices within the said land should get them repaired and kept in fit condition, and should place there a good and safe guard, for the protection of those castles and fortalices, on the penalty that thereto attaches; and in case that any of those who have lands, offices, rents, benefices or other possessions in the said land, and be absent outside that land after the said feast for reasonable cause, then during the time of absence they should find and substitute in their place capable men, in defence of the said land, according as necessity require, regard being had to the quantity and the value of the lands, rents, offices and other possessions abovementioned; and in case of failure to do so, that then two parts of the profits of the lands

Recital of
English
Statute
3 Ric. II. as
to absentees.
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The effect and
intent of same
to be certified
to the lieu-
tenant.

possessions suiesdites p aduys des Justices & Gou^or^s de la tre p^r la temps esteantz f^roient leues & sur la garde & defense dicelle l^re expenduz & con^ttez pur bien qⁱ la tierce partie de la value des bⁿifices de toutz ceux queux dem^rgent ou studeont en la vni^usité ou hors de mesme la l^re p^r cause resonable du licence du Roy desouth soⁿ g^rande seale dengle^re fueront absentes, les ordinaries charges & necessaries solonc la c^onfirma^one dez leur ordinaries toutsoulement deductuz come en la dite ordinance pluys au pleyne est contynuz. Et ore l^respuissant f^r di^usez p^oonnez foialx vos lieges de v^re dit l^re soy enalantz as pties dehors ascuns p^ones p citacioⁿs n^re l^rs sentisme pier le Pape si^bn a sa suyt come al suyte de partie et di^uses p^ones a cause de p^rsuer di^uses g^races n^re dit l^rs sentisme pier le Pape et plusours p^ones p^r dem^rer en Engle^re si^bn as escoles as vni^usités illecoques come ap^pndre v^re c^oe ley sicome lez ap^pntices de la Court di^uses p^ones deux p v^re licence desoulz v^re g^rande seale dirlande & plusours p^oonnez saunz v^re licence queux teinent gentz sufficiante en lo^r lieux et nient obstant cella les ditz p^ones queux sont escolantz & absenters hors du dit l^re a cause de leur apprise sont p vos Offi^oes de v^re Eschequer dirland vexes & greues & pⁿent deux lez deux parties dez issuez & p^rites de leur l^res rentz & teⁿtz officez & possessioⁿs deins mesme la l^re auxi entierment come ceux gestoient absenters hors de mesme la l^re saunz licence a l^rsg^rande anientisement de vos ditz po^ues lieges; pount ils priont a v^re dit l^rsg^raciouse f^rie p auise de v^re l^rs sage conseil^le declarer & c^onfirmier a v^re dit lieuten^ont dirland & a vos Offi^o[cers]¹ leffecte & lentent du dit estatut coment & en quele maⁿere vos dites lieges f^ront gou^unes en cest matier en temps au^el a l^rs g^rande confort & releue de vos ditz po^ues lieges.

¹ Obliterated.

rents, offices and possessions abovementioned should be raised by the advice of the Justiciars and Governors of the land for the time being, and be spent on and directed towards the protection and defence of that land. Provided only a third part of the value of the benefices be raised from all those who were absent as residents, or students in a university, or outside the said land for reasonable cause, with the King's licence given under his great seal of England, the ordinary expenses and necessities only being deducted according to the certificate of their ordinaries, as in the said ordinance is more fully contained. And now, most puissant lord, divers persons of your faithful lieges of your said land, when they go away to foreign parts, some by citations of our most holy father the Pope, as well at his suit as at the suit of a party, some to seek divers graces from our said most holy father the Pope, many too to reside in England as well at the schools and the universities there, as to learn your common law as apprentices of the Court, divers of these, by your licence given under your great seal of Ireland, and several without your licence, but who maintain sufficient men as their substitutes, yet, notwithstanding this, the said persons who are scholars and absentees outside your said land because of their education, are harassed and burdened by your officers of your Exchequer of Ireland, who take from them two parts of the issues and profits of their lands, rents and tenements, offices and possessions within the said land, as fully as from those who were absentees from the said land without licence,—to the very great hurt of your said poor lieges. Wherefore, they pray your said most gracious highness, with the advice of your most wise Council, to declare and make known to your said Lieutenant of Ireland and to your officers, the effect and intent of the said statute, how and in what manner your said lieges are to be governed in this matter in time to come—to the very great comfort and relief of your said poor lieges.

Item monstrent vos ditz lieges q̄ come v̄re poſſ Orateur John Randolf, Clerk, psone de lesglise de n̄re dame de Galtryn en la dioç de Mid̄ q̄i suyst sibn p̄r vous n̄re l'assoſſayne f̄r come p̄r luy mesmes q̄ come les temporaltees del Euesche de Mid̄ dount lauouesoñ du d̄ce esglise est p̄celt furent seisez en vos maynes pur c̄teyns causes la quel esglise voida p̄ consecrac̄one de John Swayne Clerk a Erceuesch de Ardmagh f̄ce les queles temporaltees esteantz en vos mayns p̄ quel voidance le dit John Randolf fuist p̄sente al dit esglise p̄ droit & t̄tle de vous f̄aḡciousse f̄rie et institut & enducte en ycell p̄ lordenarie de mesme le lieu lez aūntd̄ces temporaltees en vos mayns esteantz et ceo nient obstant vn Thomas Prys Chapleyne p̄rchacea de lapostailt vn bille destre psone du dit esglise ap̄s la dite voidaunce nient faisaunte mencione de v̄re t̄tle & droit le quel Thomas & diſſez autres ensemble confedrez ont p̄ues & deciares et diont en la courte de lapostailt q̄ vous f̄aḡraciousse f̄r nanez droit a p̄sente a nult esglise esteantz les temporaltees en vos mayns a cause de nulle voidaunce sinoñ a cause del morte del Euesq̄ de mesme le lieu en disheridaunce de v̄re Corone a ḡunde damage & arrerisement du dit John; pount priont lez ditz voz lieges dordeygn̄ sur ceo remedye couenable solonc v̄re l'assage discreciõne encontre tiels psones qont faitz tieles declaraciones en saluacione del droit de v̄re corone.

Item monstrent vos ditz lieges q̄ come les lieuten̄antz & autres q̄conques Goūnours de v̄re dit l̄re deūnt cestez heures ount heuz poair de receyſ les homages de vos ten̄antz q̄ teignent de vous n̄re l̄s soſſaigne f̄r en chief et ceux q̄ p̄sent sount tenuz de faire lour homage ne le poent faire p̄decea a cause q̄ v̄re lieuten̄antz q̄orest nad nult poair p̄r ycell receyſ et enay vos mesmes ten̄antz duissent deporter hors de cest pais enus v̄re

XVIII. Also your said lieges show that whereas your poor orator John Randolph, clerk, parson of the church of our Lady of Galtrym, in the diocese of Meath, who sues as well for you, our most sovereign lord, as for himself, that whereas the temporalities of the Bishopric of Meath, whereof the advowson of the said church is part, were for certain reasons seized into your hands, the which church was void, owing to the consecration of John Swayne, clerk, to the Archbishopric of Armagh, the which temporalities being in your hands owing to that vacancy, the said John Randolph was presented to the said church by right and title of your most gracious lordship, and instituted and inducted into the same by the Ordinary of the same place, the aforesaid temporalities being in your hands, and, notwithstanding this, one Thomas Prys, chaplain, procured from the Pope a bull to be parson of the said church after the said vacancy, no mention being made of your title and right : the which Thomas and divers others who have combined together have shown and declared and assert at the court of the Pope that you, most gracious lord, have no right to present to any church, the temporalities being in your hands, by reason of a vacancy, unless by reason of the death of the Bishop of the same place—to the disherison of your crown and to the great damage and injury of the said John : Wherefore your said lieges pray you to ordain, according to your most wise discretion, a suitable remedy thereon against such persons as have made such declarations, with a view to the preservation of the right of your crown.

As to the patronage of the living of Galtrym, dio. Meath, &c.

XIX. Also, your said lieges show that whereas the lieutenants and any other Governors whatsoever of your said land have, previously to the present time, had power to receive the homages of your tenants who hold of you, our most sovereign lord, in chief, and those who at present are bound to do their homage cannot do so, because your lieutenant that now is has no power to receive it, and so your said tenants have to journey out of this country to your

Power to the lieutenant to receive homage and present to the King's benefices.

hautesse p^r ycelt faire et cella f^roit a g^runde anientisement de mesme v^re f^re a cause de resistance de vos enemys en ycel. pont suppliont vos ditz lieges considerer lauⁿtdⁱce matier : g^runter sil vous plect a v^re lieutenⁿt qorest & as autres Gofnours de v^re dit f^re queux p^r le temps f^ront pleyn poair de receyff homage de vos tenⁿtz auⁿtditz. Et outre de g^run^r a v^re dit lieutenⁿt pleyn poair de p^rsent & collacione faire a toutz man^res dignitees p^rbendes esglisez houspitals Chauntries francz Chapel^r & autres bnficez de seynt esglise q conques oue cure ou saunz cure a v^re donyceoñ collaçone ou p^rsentacione en qconq man^re appteignⁿtz ou espectantz as psones hables, Considerantz q en temps de tielx voidaunces lez dyuynes s^ruices sont g^rundement sustrees & lez almes deyns tieulx esglises nient gardes ne gofines.

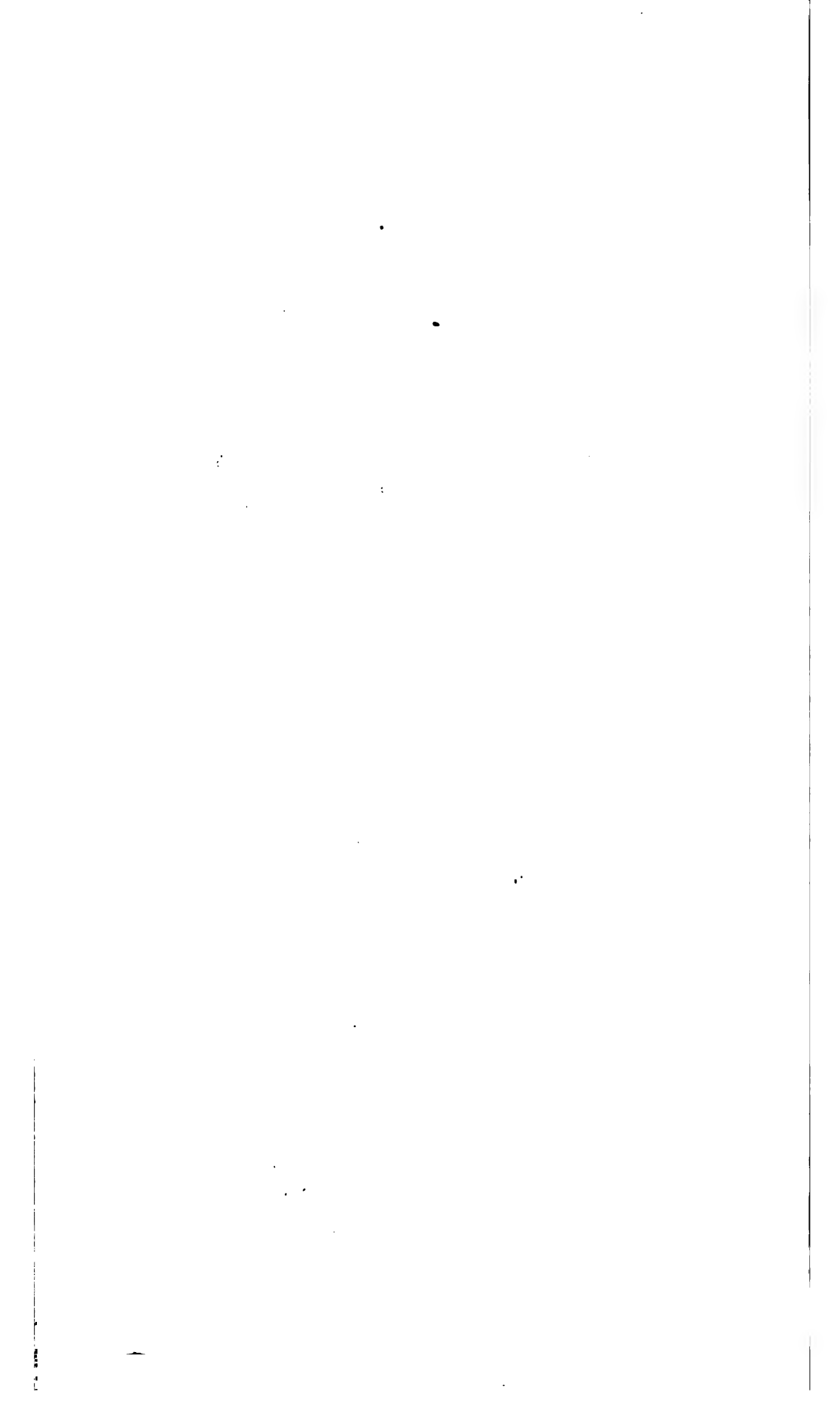
Et n^re f^rs excellent & f^rs soflayn f^r liege en tesmoignⁿunce dez dⁱces poyntes & articles come desuis sount declares v^re f^ruant & pouer Chapleyn Hugh Banent depute a mons^r Laurence M^bury v^re Chaunceller en v^re f^re suisdⁱce v^re g^runde seal en mesme v^re f^re en sa garde esteant al request dez dⁱces f^res & nous voz dⁱces po^rtez c^oes en v^re dit plement fait ad . . .¹ doñ a v^re dit Citee le xxviiij iour daprile lane de v^re f^rs graciouse reigne niefissime.

¹ Obliterated.

highness to do so, and that would be to the great hurt of your said land, by reason of the opposition of your enemies in the same. Wherefore your said lieges pray you to consider the aforesaid matter, and grant, if it please you, to your lieutenant that now is and to the other Governors of your said land, for the time being, full power to receive homage from your tenants aforesaid. And further to grant to your said lieutenant full power to present and collate to all manner of dignities, prebends, churches, hospitals, chantries, free chapels, and other benefices of Holy Church whatsoever, with cure or without cure, in any way appertaining or relating to your donation, collation, or presentation, to suitable parsons, seeing that during the period of such vacancies, divine services are largely withdrawn, and the souls in such churches are neither cared for nor governed.

And, our most excellent and most sovereign liege lord, in testimony of the said points and articles, as they are above declared, your servant and poor chaplain, Hugh Banent, deputy to sir Laurence Merbury, your Chancellor in your aforesaid land, at the request of the said lords and of us your said poor commons in your said parliament made, has [affixed] your great seal in your said land, being in his keeping. Given at your said city the 28th day of April in the ninth year of your most gracious reign.

[No answers of the King to these articles have been found.]



APPENDIX.

Statute of Henry II. (fitz Empress) as to election of a chief Henry II.
governor of Ireland, when that land should happen to be in
want of a lawful governor.

This statute occurs in recital in a Statute Roll (Irel.),
2 and 3 Rich. III., cap. 8, wherein it is confirmed and —
ratified.

Parliament said to have been held in Ireland, in which it 1210.
was ordered that English laws and customs should be observed. 12 John.

(See p. 24 of this volume.)

Ordinance by the Council of the lord Edward at Castledermot, 1264
which provided that each person should recover his estate in 48 Hen. III.
lands, tenements, castles, wardships, goods and chattels, as the
same were on the day of St. Nicholas in that year.

(Recited in a *Coram Rege* Roll, 4 Edw. I. (Eng.), see Sweet-
man's *Calendar, Ireland*, vol. 1252-84, p. 204.)

Ordinances made at Rathwire, co. Meath, by the Justiciar 1299.
and the magnates of Meath and Kildare, as to Peter de Bermyngham 27 Edw. I.
having additional forces against the Irish felons, &c.

(Calendar, Justiciary Rolls, pp. 286-7.)

Writ transmitting (for execution on a certain day in Ire- 1307.
land) an ordinance concerning the military order of the Temple 1 Edw. II.
in Ireland, their lands, &c.

(Memoranda Roll (Exchequer), 1 Edw. II., m. 19.)

1820. Petition in a full parliament at Dublin, by John de Tuyt.
18 Edw. II. for pardon of arrears, which was granted by the King, who ordered the Exchequer to acquit him of half.

(Patent Roll, 13 Edw. II., art. 80.)

1826. In a parliament at Kilkenny, an aid of forces was granted for
19 Edw. II. suppressing felons and rebels in co. Tipperary.

(Patent Roll, 20 Edw. II., art. 22.)

- 1842-3. The King transmitted to his Treasurer and Barons a tran-
16 & 17 Edw. script of an ancient statute used in the Exchequer of England,
III. as to the levying of Queen's gold, commanding its enrolment and observance in Ireland. (This is believed to have been taken from the Dialogus de Scaccacio, in the Red Book of the Exchequer, England.)

Memoranda Roll of the Exchequer, 16 and 17 Edw. III.

1360. Writ addressed to the sheriff of the cross of Kilkenny, &c.,
3 Feb. against people associating with the Irish, using their language,
34 Edw. III. or sending children to be nursed among them.

{Red Book of Ossory, fol. 55; printed in 10th report Hist. MSS. Com., App., part 5, p. 260.)

1369. Proceedings in a parliament at Dublin as to grant of divers
43 Edw. III. customs and charges, by the lesser part of said parliament, it being directly opposed by the greater part of the prelates, magnates, &c.

Recited in a writ to the Justiciar of Ireland, dated 28 May, 46^o year. (Close Roll (Eng.), 46 Edw. III., m. 25.)

375. Petition of parliament. Leave to Donald Omoghane,
49 Edw. III. minstrel, to reside among the English, &c., notwithstanding the Statute of Kilkenny.

(Patent Roll, 49 Edw. III., art. 158.)

Ordinances in a parliament at Tristeldermot as to a special guard being assigned for Carlow and neighbourhood during the parliament; as to the Justiciary's fees and allowances, &c., he to have a special guard.

1378.
1 Ric. II.

(Close Roll, 1 Ric. II., arts. 40, 42.)

Petition by the prior of St. Patrick's, Down, in a parliament held at Dublin, in this year, as to writs of summons to parliament having been sent to former priors of that house. It was not found that said prior or his predecessors had any royal writs to come to any royal parliaments, nor were they wont to come to such.

1380.
4 Ric. II.

(Close Roll, 4 Ric. II., art. 61.)

Enrolment of a memorandum as to the death, at Cork, of the Earl of March, justiciar of Ireland, on which writs were addressed to prelates, magnates, and representatives of counties and cities, who met at Cork, with the King's Council, and elected John Colton, chancellor, as justiciar, and he took the oaths.

1382.
5 Ric. II.

(Patent Roll, 5 Ric. II., part I., art. 39.)

Writ addressed to all to whom it shall come, conveying the terms of three English statutes—27 Edw. III.; 31 Edw. III.; and 4 Ric. II.—as to gauging of wines, &c.; the first deals with Ireland. (No clause for observance here.)

1385.
9 Ric. II.

(Patent Roll, 9 Ric. II., art. 249.)

Recitals as to prelates, magnates, clergy, and commons representing certain counties, in Council, granting subsidies and armed men in aid of the wars.

1388.
12 Ric. II.

(Patent Roll, 12 Ric. II., arts. 187–9, 190, 220.)

Proceedings in parliament, referring to the release of Nelan O'Neel, on his giving hostages.

1390.
13 Ric. II.

(Patent Roll, 13 Ric. II., art. 222.)

Modus tenendi parliamenta in Hibernia.

(A MS. edited by Anthony Dopping, bishop of Meath.)

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